ACTS

OF THE

GENERAL ASSEMBLY OF ALABAMA,

PASSED BY THE

SESSION OF 1892-93,

HELD IN THE

CITY OF MONTGOMERY,

COMMENCING

TUESDAY, NOVEMBER 15, 1892,

WITH A

Separate Index to the General and Local Laws.

THOS. G. JONES, GOVERNOR.

J. C. COMPTON, PRESIDENT OF SENATE.

F. L. PETTUS, SPEAKER OF THE HOUSE.

I, J. D. BARRON, Secretary of State of the State of Alabama, do hereby certify that this book, containing the Acts and Joint Resolutions passed at the session of the General Assembly of Alabama, is published by the authority of the State of Alabama.

J. D. BARRON, Secretary of State.

MONTGOMERY, ALA.:
BROWN PRINTING Co., STATE PRINTERS AND BINDBRS.
1893.

No. 1.] AN ACT [H. B. 2.

To confirm the charter and acts of the National Guarantee Loan and Trust Company of' Birmingham, Alabama, and to enlarge the powers of the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organization of the National Guarantee Loan and Trust Company, of Birmingham, Alabama, heretofore effected and had under the general laws of the State of Alabama as a building and loan association, and all the lawful acts of said company thereunder, and done as a building and loan association be and the same are hereby in all respects ratified and confirmed. Charter confirmed,

SEC. 2. Be it further enacted, That said National Guarantee Loan and Trust Company shall have and possess all the rights, powers, privileges and immunities conferred by the general laws of the State upon building and loan associations incorporated under the general laws of the State, and all general laws applicable to building and loan associations incorporated under the general laws of the State shall be and are hereby made applicable to said company. Rights, powers,

SEC. 3. Be it further enacted, That the capital stock of the said National Guarantee Loan and Trust Company may be increased to a sum not exceeding ten million dollars, with the consent and by the vote of the persons holding the larger number of shares of the stock, at a meeting of the stockholders called for that purpose, and if at such meeting the persons holding the larger number of shares vote for such increase, the proceedings of the meeting must be reduced to writing, signed by the president of the company, attested by Capitol stock

the secretary, and filed and recorded in the office of the judge of probate of Jefferson county, Alabama.

May borrow money

SEC. 4. Be it further enacted, That the said National Guarantee Loan and Trust Company shall be and it is hereby empowered and authorized to borrow in a sum or sums not exceeding in amount the par value of the capital stock sold, and issue its debenture bonds or other bonds, or other obligations, and pledge or hypothecate its securities or mortgages taken to secure loans therefor, and any and all money so borrowed shall be placed to the credit of, and added to the loan fund of said company and managed and loaned in the same manner as all other moneys belonging to said loan fund.

Contracts, etc.

SEC. 5. Be it further enacted, That said corporation may make and enter into such contracts and arrangements and do and perform all such matters and things as may be necessary or desirable for its welfare and protection to carry out the purpose of the corporation and to secure the legitimate benefits to its stockholders as contemplated by its charter under the general law and this amendment and enlargement thereof; Provided, this company shall pay such amount as is assessed under any general law at this session of the legislature on charters of corporations.

Approved November 30, 1892.

No. 2.] AN ACT [H. B. 51.

To regulate the fine and forfeiture fund of Escambia county.

Claims

SECTION 1. Be it enacted by the General Assembly of Alabama, That all claims hereafter accruing against the fine and forfeiture fund of Escambia county shall be presented to the treasurer of said county for registration in the same manner as is now required by law, before the same shall be payable or receivable for fines and forfeitures.

Duties of treasures.

SEC. 2. Be it further enacted, That the treasurer of said county shall register in suitable book all claims

against said fine and forfeiture fund, which said registration shall show the name of the claimant, the character of the claim, the amount claimed, and the time when made and allowed, and shall pay such claims in the order of their registration ; but claims which have been already registered, as now provided by law, shall not be required to be registered.

SEC. 3. Be it further enacted, That all fines assessed against defendants, hire of convicts to hard labor for the county, forfeitures against defaulting defendants or their bail, and against defaulting witnesses or jurors shall be collected in lawful currency of the United States only, and paid over by the officers collecting the same within thirty days thereafter to the treasurer, and any officer willfully failing to pay over the same as herein required, shall be guilty of a misdemeanor and upon conviction shall be punished as now provided by law. Fines, etc., papable in money.

SEC 4. Be it further enacted, That the treasurer of said county shall give notice by publication in some newspaper published in the county in the months of February and July of the amount of money in his hands belonging to said funds, and a list of claims to the amount of five hundred dollars first entitled to payment, and if such claim or claims as are payable out of the funds so reported on hand are not presented for payment within four months after said notice is given, the same shall lose their right of prior payment out of the funds then on hand. Publication.

SEC. 5. Be it further enacted, That all claims hereafter accruing against the line and forfeiture fund of Escambia county, except State witnesses in the circuit and county courts, shall be presented to the commissioners court of said county for audit and allowance, before the same shall be registered or paid as herein provided. Com'rs court to audit.

SEC. 6. Be it further enacted, That from and after the passage of this act, the court of county commissioners of the county of Escambia shall have authority to appropriate annually out of the general fund of said county, whenever in their judgment it can be done without embarrassment to said fund, an amount not to exceed the sum of one thousand dollars in any one. Annual appropriation.

year, to be used in compromising and retiring claims against the fine and forfeiture fund of said county, which sum so appropriated shall be subject to the order of said court, and shall be paid out by the treasurer of said county only upon the order of such commissioners court.

SEC. 7. Be it further enacted, That it shall be the duty of the court of county commissioners, when such appropriation is deemed advisable, to advertise in some newspaper published in said county, for thirty days previous to its first regular term in February, notifying all persons holding registered claims against the fine and forfeiture fund of said county, that bids will be received until 12 o'clock of the day such court meets; the bids shall be made in writing, and shall state the claim or claims held by the bidder and the number of registration, which shall be sealed and handed to said commissioners court before the hour of 12 o'clock on the day said court meets. the money shall be awarded to the bidders who proposes to accept payment in full of their claims against said fund, at the highest rate of discount, and if said funds be insufficient to pay all of them, the money shall be awarded to such claims in the order of their registration, beginning with the oldest. When the biddings are closed and the money awarded, said commissioners court shall make an order directing warrants to be issued upon said fund to the persons entitled thereto upon surrender of the claims bid upon, which order and record of their proceedings shall substantially describe each claim awarded to be paid, and the amount bid thereon; and the claims so taken up and compromised shall be delivered to the treasurer of said county who shall endorse them "compromised," and also note the fact and amount of the payment on the registry of claims.

Payment of claims

SEC. 8. Be it further enacted, That said court shall not accept any bid to pay more than fifty cents on the dollar of the claim offered for compromise, and if the whole amount of the sum set apart for the purpose is not taken by the bids accepted, the remainder may be offered in like manner after thirty days notice in a newspaper published in the county, at a subsequent

Bids.

term of the court, or turned into the general fine and forfeiture fund of the county as said county may determine.

Law in conflict repealed.

SEC. 9. Be it further enacted, That an acc entitled an act to regulate the fine and forfeiture fund of Conecuh and Escambia counties, and the disposing of moneys arising from fines, forfeitures and convict labor in said county, approved February 9th, 1891, and an act entitled an act for the relief of State witnesses in the counties of Tuskaloosa, Bibb, Chilton, Calhoun, Washington, Crenshaw, Fayette,Lauderda1e,Colbert,Chambers, Pike, Cleburne, Etowah, Escambia, Covington, Clay, Lamar, Conecuh, Randolph, Blount, Lawrence, Baldwin, St. Clair, Limestone, and Morgan, in cases in which the State fails ; approved February 18th, 1891, and all other laws and parts of laws in conflict with the provisions of this act, be, and they are hereby repealed, so far as the county of Escambia is concerned.

Approved December 2, 1892.

No. 3.] AN ACT [H. B. 11.

To amend paragraph numbered four of section 1525 of the Code of Alabama.

Banks; powers.

SECTION 1.Be it enacted by the General Assembly of Alabama, That paragraph numberd four of section 1525 of the code be amended so as to read as follows:

4. To appoint such officers and agents as the business of the corporation requires, removing them at pleasure, prescribe their duties and fix their compensation, and may fix and locate offices, agents and agencies at pleasure in the State other than the principal place of business.

Approved December 3, 1892.

No. 4.] AN ACT [H. B. 26.

To amend section 611 of the code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 611 of the Code of Alabama be so amended as to read as follows: Section 611. If the lands redeemed were bid in by any person other than the State, the redemption money must be deposited by the judge of probate in the county treasury and there kept separate and apart from the general funds of the county. The judge of Probate shall notify the purchaser of such deposit by mailing notice to the post office address of such purchaser, if the same is known, and if unknown, then it shall mail said notice to such purchaser at the county site of the county in which said lands are located; and upon the demand of the purchaser, his personal representative or assignee, and the surrender of the certificate of purchase, the judge of probate must give him an order on the treas urer for the same.

Disposition of redemption money.

Approved December 3, 1892.

No. 5.] AN ACT [H. B. 106.

To ratify, approve sales and disposition of real property heretofore made by the city of Selma to the parties purchasing.

SECTION 1. Be it enacted by the General Assembly of Alabama, That sales and disposition of real estate which constitute part of what was known as Bow street made in the past, by the corporation of the city of Selma, for purposes of utility and advantage to said city, in which said corporation made conveyances to the purchasers, for valuable considerations paid, be, and the same are hereby approved, ratified and confirmed.

Sales confirmed.

Approved December 3, 1892.

No. 6.] AN ACT [H. B. 4.

To amend an act to incorporate the city of Tuscaloosa, approved March 12th, 1873, by the addition of sections 97, &c., in reference to the issuing of bonds of said city for the purpose of taking up and refunding certain outstanding bonds of said city upon which eight per cent. per annum is being paid as interest at the present time; and by the addition of section 98 in reference to the issuing of bonds of said city for the purpose of paying off and satisfying the outstanding floating indebtedness of said city.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the act entitled an act to incorporate the city of Tuscaloosa, approved March 12th, 1873, be amended by the addition of the following sections to be numbered 97 and 98, in reference to issuing bonds of said city for the purpose of taking up and refunding certain outstanding bonds of said city, upon which eight per cent. per annum is being paid as interest at the present time: Act amended

SEC. 97. Be it further enacted, That the board of mayor and aldermen of the city of Tuscaloosa are authorized and empowered to issue the bonds of the city of Tuscaloosa, not to exceed six thousand ($6,000) dollars in amount, for the purpose of taking up and refunding the following bonds of said city, at this time outstanding, with coupons attached for interest at eight per cent. per annum, to-wit: Six thousand ($6,000) dollars of improvement bonds, issued August 1st, 1883, due August 1st, 1903, as shown by an ordinance of said city passed July 4lh, 1883; such bonds to bear interest at a rate not to exceed six per cent., payable semi-annually at such time and place as may be indicated by said board of mayor and aldermen of the city of Tuscaloosa ; and said bonds may be issued in sums of one hundred ($100) dollars or any multiple thereof not greater than one thousand ($1,000) dollars; they shall be signed by the mayor and countersigned by the secretary of said city; the coupons shall be numbered and signed by the secretary of said city; such bonds shall be made payable at such time as the

May issue bonds.

Description.

board of mayor and aldermen may agree upon, not exceeding fifty (50) years from the date of their issuance, and may be transferred by delivery, as negotiable paper, and shall be redeemable at such place and at such time as the said board of mayor and aldermen of the said city of Tuscaloosa shall indicate ; said bonds and coupons shall be exempt from all municipal taxes receivable for city taxes. Provided, That the bonds issued by the mayor and aldermen under the powers herein granted shall be sold at not less than par value, and the proceeds applied to paying off all the bonds herein mentioned and for no other purpose whatever ; and the said board of mayor and aldermen are hereby authorized to do any and all things which may be necessary to carry out the powers hereby granted either through themselves or by any agent or agents duly authorized or appointed by them for that purpose at any meeting of said board, whether at a regular or special meeting thereof, and no technical informality, irregularity, neglect or omission in the proceedings or records of said board shall in anywise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Proviso

SEC. 2. Be it further enacted, That the act entitled an act to incorporate the city of Tuscaloosa, approved March 12th, 1873, be amended by the addition of the following section to be numbered 98 in reference to the issuance of the bonds of the said city of Tuscaloosa, for the purpose of paying off and satisfying the outstanding floating indebtedness of said city.

Sec.98 amended.

SEC. 98. Be it further enacted, That the board of mayor and aldermen of the city of Tuscaloosa are hereby authorized and empowered to issue the bonds of the city of Tuscaloosa, not to exceed twenty thousand($20,000) dollars in amount, the proceeds of the sale of which shall be used for the purpose of paying off and satisfying the outstanding floating indebtedness of said city, and for no other purpose whatever. Such bonds shall bear interest at a rate of not greater than six per cent. per annum, payable semi-annually at such time and place as may be indicated by said board of mayor and aldermen of the city of Tuscaloosa ; said bonds may be issued in sums of one hundred ($100) dollars, or any

How proceeds to be used.

multiple thereof, not greater than one thousand ($1,000) dollars ; they shall be signed by the mayor and countersigned by the secretary of said city ; the coupons shall be signed and numbered by the secretary of said city, such bonds shall be made payable at such times as the board of mayor and aldermen may agree upon, not exceeding fifty (50) years from the date of their issuance and may be transferred by delivery as negotiable paper, and shall be redeemable at such place and time as such board of mayor and aldermen of the said city of Tuscaloosa may indicate, and said bonds and coupons shall be exempt from all municipal taxes and receivable for city taxes. Provided, however, That said bonds shall not be sold for less than par value. and not more of said bonds shall be issued than may be necessary for carrying out the purpose hereinbefore specified ; and said board of mayor and aldermen are hereby authorized to do any and all things which may be necessary to carry out the powers herein granted, either through themselves, or by any agent or agents duly authorized or appointed by them for that purpose at any meeting of said board, whether at a regular or special meeting thereof, and no technical informality, irregularity. neglect, or omission in the proceedings or records of said board shall in anywise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Redemption of bonds.

Authority of board.

SEC. 3. Be it further enacted, That this act shall take effect immediately upon its approval, and that all laws general or special as far as they are in conflict with the provisions of this act are hereby repealed.

Approved December 5, 1892.

No. 7.] AN ACT [H. B. 20.

To prescribe and regulate the terms of the court of county commissioners of Jefferson county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act the court of county commissioners of Jefferson county

Com'rs court

shall meet on the second Monday of every month and continue in session for not more than ten days ; Provided, that the terms of said court for the months of May, July and August, when said court meets for the purpose of performing its duties under Article IV of chapter 4 of the Code shall continue until the business is disposed of. Provided, That one of the commissioners to be selected by the court of county commissioners, may attend at the court house daily in order to superintend the general business of the court, and said commissioner so selected shall receive his regular per diem pay.

Approved December 5, 1892.

No. 8.] AN ACT [H. B. 28.

To fix the minimum amount of the fine for the violation of any prohibitory liquor law of Lowndes county and to require such fine to be paid in current money.

Minimum fine.

SECTION 1. Be it enacted by the, General Assembly of Alabama, That in all cases of conviction under any of the statutes which prohibit the sale or giving away of spirituous, vinous or malt liquors, or other intoxicating drinks, now in force in the county of Lowndes, or any part thereof, the person convicted shall be punished by a fine of not less than fifty dollars for the first offense and not less than one hundred dollars on each subsequent conviction for the like offense, and in default of the payment of such fine he shall be sentenced to hard labor in the manner and measure now required by law in other criminal cases.

SEC. 2. Be it further enacted, That all fines imposed for offenses committed after the passage of this act shall be paid in current money of the realm, and not otherwise.

Approved December 5, 1892.

No.9.J AN ACT [H. B. 79.

To authorize the Mobile Transportation Company to subscribe to the capital stock of, or to give to or receive aid from commercial grading companies.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Mobile Transportation Company, a corporation of this State, having its principal place of business at Mobile, be and it is hereby authorized to subscribe to an amount not exceeding one hundred thousand dollars, to the capital stock of any commercial trading company or companies engaged in this State in the export or import by water of merchandise to or from any foreign or domestic ports, or to give aid to or receive aid from such commercial trading companies, and that said transportation company shall have the right to vole the stock so held by it at any stockholders meetings in all respects as if the same were held by an individual. Authority conferred.

Approved December 5, 1892.

No.10.] AN ACT [H.B.151

To repeal an act entitled "An act to better enforce the working of public roads in the counties of Montgomery and Hale," approved February 23, 1883, so far as the same is applicable to the county of Hale.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to better enforce the working of public roads in the counties of Montgomery and Hale. approved February 23, 1883, be and the same is hereby repealed, so far as the same is applicable to the county of Hale.

Approved December 5, 1892.

No. ll.] AN ACT [s. 33.

To provide for the compensation of the judge of probate of Mobile county.

SECTION 1. Be it enacted by the General Assembly of
Fees. Alabama, That the judge of probate of Mobile county as compensation for duties discharged by him in such office, shall be entitled to receive the same fees, costs, commissions and allowances now allowed by the general laws of this State to judges of probate.

SEC. 2. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved December 5, 1892.

No. 12.] AN ACT [H. B. 33.

To incorporate the Workingmen's Timber and Cotton Benevolent Association of Mobile.

SECTION 1. Be it enacted by the General Assembly of
Incorporatd Alabama, That Thomas J. Rowell, James Kane, Soloman E. Thompson, Edward J. Draper, James Otis, Michael L. Campbell, and their associates and successors be and they are hereby constituted a body corporate under the name and style of The Workingmen's Timber and Cotton Benevolent Association of Mobile, and by that name may sue and be sued, plead and be impleaded, make and have a common seal, break and alter or renew the same at pleasure; shall have continual succession and shall have power to contract and be contracted with as a natural person.

SEC. 2. Be it further enacted, That the officers of
Officers said corporation shall be a president, vice-president, secretary, treasurer, marshal, and two door keepers, and such other officers as may hereafter be created, to be elected by the members.jby ballot, and said officers shall hold office for a period which may be prescribed by the by-laws of said corporation.

Powers SEC. 3. Be it further enacted, That said corporation

shall by its members have power to pass such by laws as may be necessary and proper for the regulation of the affairs and matters of the corporation not inconsistent with the provisions of this act nor contrary to the constitution and laws of the United States and of the State of Alabama.

SEC. 4. Be it further enacted, That said corporation may hold real and personal property not exceeding in value fifty thousand dollars, and may receive property by gift, will, or devise, holding the same in conformity with all lawful conditions imposed by the donors and may exercise such other powers as are incident to private corporations of like character. Property.

SEC. 5. Be it further enacted, That said corporation is hereby declared a charitable and benevolent corporation, its purpose being to establish order, concert, and fraternity for the benefit and advancement of the individual members, and to promote benevolence and the practice of morality, and to give aid and comfort to the sick and distressed members belonging to the society, and to bury the dead and to assist the widow and orphan. Purposes.

SEC. 6. Be further enacted, That said corporation shall have power to create and establish a mortuary and charitable fund to take care of the poor, to alleviate the sufferings of the sick and the afflicted, to bury decently and respectably the dead and support dependent relatives upon the death of a member in good standing; and said corporation shall have power to make such rules and regulations governing such funds as may be necessary. Charitable funds.

Approved December 6, 1892.

No. 13] AN ACT [s. 60.

To amend section one of an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquor&, intoxicating bitters or cordials, or fruits preserved in alcoholic liquors in all places in Jefferson, Walker, Talladega, Autauga and Fay-

ette counties except in incorporated towns and cities having police regulations, approved February 16th, 1889.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act
Act amended to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or cordials, or fruits preserved in alcoholic liquors in all places in Jefferson, Walker, Talladega, Autauga and Fayette counties, except in incorporated towns and cities having police regulations, approved February 16th, 1889, be amended so as to read as follows: That after the thirty-first day of December, 1889, it shall be unlawful for any person to sell, give away or otherwise dispose of, any spirituous, vinous or malt liquors, intoxicating bitters or cordials, or fruits preserved in alcoholic liquors in Jefferson, Walker, Talladega, Autauga and Fayette counties, except in incorporated towns and cities having police regulations, both day and night; Provided, That it shall be lawful for the distiller or owner of any lawfully registered distillery to sell any kind of spirituous or malt liquors made or distilled by them, at wholesale at the place of such distillery in precinct (37) thirty-seven, in the county of Jefferson; Provided further, That the said owner or distiller shall first obtain such license as is required of wholesale dealers under the laws of the State of Alabama.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved December 8th, 1892.

No. 14.] AN ACT [H. B. 240.

To provide for a vote of the people of Crenshaw county on the subject of the removal of the court house and jail, and for the building of a new court house and jail, and for the disposition of the court house and jail now in use.

SECTION 1. Be if enacted by the General Assembly of Alabama, That it shall be the duty of the sheriff of Crenshaw county to open and hold an election at the various precincts in said county on the third Monday in January, 1893, to ascertain whether a majority of the legal voters in said county are in favor of the removal of the court house and jail from Rutledge, its present location, to Luverne. The said sheriff shall give at least thirty days notice in writing and posting up at the court house door of said county and by advertising in each of the newspapers published in said county, for four consecutive weeks prior to said election and shall provide for the holding of said election, making the returns and ascertaining the result in the same manner and under the same restrictions as are now provided by law for the election of members of the general assembly, and under all the pains and penalties for failure to perform the duties required by the general election laws of the State; Provided, however, that no election shall be ordered or had hereunder unless the town of Luverne shall first have given bond in the sum of twenty thousand dollars, with good and sufficient sureities payable to the probate judge of Crenshaw county and to be approved by said judge and conditioned to be void it' the said town of Luverne shall cause to be erected a good and substantial two story brick court house, and a two story brick jail, both to be built in first class workmanship and style, said jail to be safe and commodious, and both court house and jail to be completed and ready for occupancy within six months time from the date when the result of said election shall have been officially declared to be in favor of removing the seat of justice to said town of Luverne if it shall be so decided at said election; Provided, also, That said town of Luverne or citizens thereof shall before said election is ordered have deeded to the county of Crenshaw two lots of land not less in area than one acre to be held and owned by said county in fee, for a site for said court house and jail and other county purposes, in case said election shall result in the removal of said seat of justice to Luverne. But in case of delay caused by the

Election for county site.

failure of any county official to perform any duty as imposed by this act or by reason of any legal proceeding by mandamus or otherwise, which may be had hereunder, or delay from any other cause, the election herein provided for shall be at once or as soon as may be, ordered to be held as hereinbefore provided.

Tickets,etc. SEC. 2. Be it further enacted, That each voter at said election shall have endorsed in writing or printed on his ticket Rutledge or Luverne, and if it appear on the ascertainment of the result that a majority of the votes at said election have voted Rutledge then there shall be no removal, but if a majority of the voters at said election shall have voted Luverne, then the result of said election shall be the removal of the county site and seat of justice of Crenshaw county to Luverne, to take effect, however, as soon as the court house and jail to be erected at Luverne shall be completed and ready for occupancy, and the county officials of said county shall remove to and occupy the same.

Sale of property SEC. 3. Be it further enacted, that in the event the seat of justice shall be moved to Luverne the court of county commissioners of Crenshaw county are hereby authorized to sell or otherwise dispose of such properly, real or personal, as said county may have in the town of Rutledge, even to the extent of deeding same to the contractors who build the new court house and jail at Luverne, if by so doing they could secure better buildings for a court house and jail at Luverne.

Duties of Managers. SEC. 4. Be it further enacted, That in the management of said election one of the inspectors must number each ballot with the same number as the name of the voter on the poll list, and the ballot must then without being opened or examined be deposited in the proper ballot box.

SEC. 5. Be it further enacted, That the managers of said election after the closing of the polls and after they have counted out the votes and made their certificates according to law, shall enclose all the ballots with the complete poll list properly certified, in the ballot box, lock and otherwise securely seal and fasten the same, and deliver it to the returning officer, who shall return the same to the sheriff of the county as required by law.

SEC. 6. Be it further enacted, That on Saturday following the day of the election, the probate judge, sheriff and clerk of the circuit court of said county shall meet at Rutledge in said county, count the vote and declare the result. And said county officers shall constitute the board of supervisors of said election. It shall be their duty to open the boxes and make the count from the face of the returns as shown by the tally sheet and certificate of the managers as to all boxes and precincts, as to the legality of which no objection is made. If an objection is made by any one for or on behalf of either of the places voted for on account of fraud, or illegal votes at any box, it shall be the duty of said board of supervisors to inquire into the same by a recount of the ballot if necessary. They may also examine witnesses and take testimony as to any alleged fraud or illegal voting at such box or voting place. If witnesses are examined orally their testimony shall be taken down in writing and subscribed by the witnesses. The examination may be adjourned from day to day until concluded. Said board of supervisors, on said investigation, shall exclude from their count all illegal votes, and shall enter up an order declaring the place (naming it by name) which shall have received the largest number of legal votes at said election for the county site of Crenshaw county, which said place shall then be the lawful county site of Crenshaw county.

Duties of board of supervisors.

SEC. 7. Be it further enacted, That any one or more of the qualified voters of said county may, for either of the places voted for, demand and present an appeal to the supreme court of Alabama, by giving a good and sufficient bond for of the appeal, to be approved by the judge of probate, and in case of such appeal, the party or parties taking the same shall make out and present to the judge of probate of said county a bill of exceptions within ten days, who shall see that same is correct and affix his signature thereto. In case the judge of probate shall refuse to sign a fair bill of exceptions it may be proven by affidavits as provided by law in cases in the circuit court. Upon the signing of the bill of exceptions and the giving bond for cost of the appeal it shall be the duty of the judge of probate

Appeal.

to make out as soon as practicable a transcript, full and complete, and send same to the clerk of the supreme court, which shall be a preferred cause. Said cause shall be in the name of the town or place for which the appeal is taken as appellant against the place or town decided to be the county site by said board of supervisors. If the cause is reversed by the supreme court it shall be the duty of that court to make a final decree declaring which of the places is the county site of said county and the place so decided to be legally entitled to such decision by reason of having received the largest number of legal votes at said election shall in fact be the county site of said county of Crenshaw.

Approved Dec. 9, 1892.

No. 15.] AN ACT [H. B.155

To confirm the incorporation of the Komus Club of Birmingham, Alabama, and the change of the name of said club to The Southern club, and to enlarge the powers and capacities of said club.

SECTION 1. Be it enacted by the General Assembly
Incorporated of Alabama, That the incorporation of the Komus Club of Birmingham, Alabama, had under the general statutes of the state of Alabama, and the change of the name of said club to that of the "Southern Club," be and the same are hereby confirmed, and that the name if said corporation shall be and continue the Southern Club, and by that name it may sue and be sued, and enjoy all the rights and privileges and franchises, and exercise all the powers conferred by the general statutes under which said club was originally incorporated, and by this act and by general laws relating to corporations of like kind, and all acts done by the said club under its said name of the Southern Club so far as the same were otherwise authorized by law, be and the same are hereby also confirmed.

SEC. 2 Be it further enacted, That said club shall
Powers. have full power and authority to adopt such constitu-

tion and by laws, not inconsistent with law, as may be necessary or proper to the selection of officers or agents and their terms of office, the number, reception and repulsion or suspension of members, the regulation of fees and dues, and the collection thereof, and generally to the government of the club, and the management of its business, and to amend or change the same; Provided, however, That the constitution, by laws and regulations now of force shall continue of force until the same are repealed, altered or amended. Powers.

SEC. 3. Be it further enacted, That said dub shall have power and authority, in addition to those already conferred upon it, to lease and purchase such real estate and buildings, and to erect such buildings as may be necessary or proper for its own use, to acquire and hold such personal property as said club may see proper to acquire and hold; to operate or contract for a restaurant to be operated, to provide for and dispose of to its members cigars, cigarettes, tobacco, spirituous, vinous and malt liquors, and such disposition shall not constitute a sale thereof but shall be held and treated as a consumption by such members of their own property, to acquire and operate for the exclusive use of the members pool and billiard tables and gymnasiums, and to borrow money, and to secure the same by bonds and mortgages; Provided, however, That no indebtedness shall be created save for current expenses except by consent of two-thirds of the members of the club given at a regular meeting, or at a meeting called for that purpose, of which meeting, and of the time and place of holding the same, and of the purpose for which the same is called, thirty days notice must be given to each member who is at the time in the city of Birmingham, and whose residence is known.

SEC. 4. Be it further enacted, That the term members as used in this act, when used in respect to the power or authority of the club to borrow money and execute bonds and mortgages, and to ratify any issue of bonds or other indebtedness, shall not be construed to mean honorary or non-resident members of the club, and the club shall have authority to prescribe the powers, rights and privileges of all honorary or, non-resident members.

Approved December 9, 1892.

No. 16.] AN ACT [H. B. 15

To authorize the governor to appoint a trustee of the University of Alabama for the ninth congressional district.

Trustees. SECTION 1. Be it enacted by the General Assembly of Alabama, That the governor of the state be authorized to appoint a trustee of the University of Alabama from the ninth congressional district in the manner now prescribed by law.

Approved December 10, 1892.

No. 17.] AN ACT [s. 113

To authorize Troy Lodge, No. 56, A. F. and A. M., to issue bonds to complete and pay for a masonic temple in the city of Troy in this state.

May issue bonds. SECTION 1. Be it enacted by the General Assembly of Alabama, That Troy Lodge No. 56, A. F. and A. M., under the jurisdiction of the Most Worshipful Grand Lodge of the state of Alabama, is hereby authorized and empowered to issue bonds to the amount of eight thousand dollars for the purpose of completing and paying for a Masonic temple for the use of said lodge, now in process of construction in the city of Troy, in Pike county, in this state; Provided, That said temple shall be subject to the jurisdiction and power and authority of the Grand Lodge as now provided by the charter of said Grand Lodge heretofore granted by the state of Alabama.

Description. SEC. 2. Be it further enacted, That the bonds provided for by this act shall be respectively in the sums of $25.00, $50.00, $100.00 and $500.00, and shall be signed by the worshipful master, senior and junior wardens of said lodge, and countersigned by the secretary, under the seal of said lodge.

Coupons. SEC. 3. Be it further enacted, That said bonds shall be made payable at the end of twenty years and shall bear interest at the rate of 7 per cent. per annum, payable

annually, and a coupon for the interest of each year shall be attached to each bond, and said bonds and coupons shall have all the properties of negotiable paper under the laws of this state, and shall be a first lien upon said temple and the lot upon which the same is situated, and said bonds shall be exempt from state, county and municipal taxation.

SEC. 4. Be it further enacted, That said bonds shall be issued by and under the direction of said Troy Lodge No. 56, in such denominations as herein expressed, and no informality, irregularity, neglect or omission in the proceedings of said lodge in regard to the issuance of said bonds shall in any way whatever affect their validity.

Approved December 9,1892.

No. 18.] AN ACT [S. 25

To incorporate the Troy Business College of Troy, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Troy Business College is hereby incorporated and made a body politic with the following board of Trustees: O. C. Wiley, L. E. Gellerstedt, J. C. Henderson, F. C. Cowart and J. S. Carroll, with the following powers and privileges to wit: 1st, Said, board of Trustees shall have the power to perpetuate its membership by filling any vacancy that may occur by election, in which a majority of the members shall rule. Business college

SEC. 2. Be it further enacted, That said board of Trustees as soon as they may deem it practicable shall open said Troy Business College within the corporate limits of the city of Troy, Ala., for the reception of pupils and for the purpose of instruction and the proper government of said college, elect a president and as many professors as they may deem sufficient for teaching the following branches; Theoretical and practical single and double entry book keeping, commercial arithmetic, commercial and ornamental penmanship, commercial law, commission business, banking and in- In Troy.

surance, short-hand type writing, telegraphy, political economy, and other branches that are usually taught in schools of like character.

SEC. 3. Be it further enacted, That said board of
Rules. Trustees shall adopt such rules and regulations for the government of said Business College as they may deem necessary.

SEC. 4. Be it further enacted, That said Troy Busi-
Diplomas. ness College shall have the authority to grant diplomas to students who have accomplished either one or all of the courses prescribed in a satisfactory manner; said diploma& to be signed by the president of said College and the professor of course or courses.

SEC. 5. Be it further enacted, That the fund for the
College fund. maintenance of said College shall consist of all tuition fees paid by the pupils and such other funds as may be donated or acquired by said College by the sale of scholarships or otherwise, but the trustees shall not be liable individually for any debts or obligations incurred by said College.

SEC. 6. Be it further enacted, That said board of
Scholarships Trustees shall have the power to authorize the sale of scholarships any of the courses prescribed in said College which shall entitle the holder thereof to a full term of instruction in said College in that particular course without additional charges except the incidental fee.

SEC. 7. Be it further enacted, That said Troy Busi-
Real estate. ness College shall have the right to purchase, hold and improve real estate for the purposes of the College, the title to which shall vest in the board of trustees of said College, and they shall have the power to dispose of the same for reinvestment or distribution as may in their judgement become necessary.

Approved December 9th, 1892.

No. 19] AN ACT [s.12

To prevent frauds being perpetrated by directors and managing officers of corporations on the stockholders or bondholders thereof.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any purchase of the stock or bonds of a corporation, by the president, or any directors or other managing officer of such corporation from any person, other than the corporation itself, shall be held and considered as a transaction between persons in fiduciary relations, and subject to all the rules of law governing a purchase by a trustee from the beneficiary of the trust. Fraudulent purchases.

SEC. 2. Be it further enacted, That the president of any corporation, or any director or managing officer thereof, by whatsoever title he may be known or called, who shall do or omit to do any act or who shall make any declaration or statement in writing or otherwise, with the intent to depreciate the market value of the stock or bonds of such corporation to the end that such president, director or other officer may buy any such stock or bonds at less than the real value thereof shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars. Intent to depreciate value.

SEC. 3. Be it further enacted, That any bondholder or stockholder of such corporation who shall by reason of any such act, omission, declaration or statement made with the intent aforesaid, be induced to sell any bonds or stock of such corporation at less than the real value thereof may recover in an action on the case, against the president, director or managing officer of the corporation, guilty of such act or omission, or of making such declaration or statement, all damages sustained by such sale. May recover

SEC. 4. Be it further enacted, That the plaintiff in such action must aver and prove the ownership of the stock or bonds of the corporation, the act, omission, declaration or statement, and the name and office in the corporation of the person or persons who made the same, and that the same was made with the intent to depreciate the market value of the stock or bonds of such corporation to the end that some person might buy the stock or bonds of such corporation at less than the real value thereof, and that by reason of such act, omission, declaration or statement made with the intent aforesaid, the plaintiff was induced to sell Plaintiff must aver.

the stock or bonds in such corporation, owned as aforesaid, and the difference between the real value thereof and the price obtained by the plaintiff at such sale.

Approved Dec. lOth, 1892.

No.20.] AN ACT [s. 68

To amend section 24 of an act to incorporate the Mobile and Dauphin Island Railroad and Harbor Company, approved February 21st, 1887.

Act amended

SECTION 1. Be it enacted by the General Assembly of Alabama, That section twenty-four of an act entitled an act to incorporate the Mobile and Dauphin Island Railroad and Harbor Company, approved February 21st, 1887, be amended so as to read as follows: That the company shall commence the construction of its railroad and harbor on or before February 1st, 1893, and finish and complete the same by January lst,1898, otherwise the charter shall be forfeited.

Approved December 9th, 1892.

No. 21.] AN ACT [s. 160

To amend the charter of the Central City Building and Loan Association of Selma, Alabama.

Amendment

SECTION 1. Be it enacted by the General Assembly of Alabama, That the charter of the Central City Building and Loan Association of Selma, Alabama, a corporation heretofore created and organized under the general laws of Alabama, be and the same is hereby amended, so that in addition to the powers association may issue more than one class of stock to its shareholders, but in no class shall the levy of monthly contributions exceed fifty dollars per share in any one month; and in determining the amount of capital stock of the association, each share shall be

valued at a sum not to exceed one hundred dollars in each class of stock issued to its shareholders.

SEC. 2. Be it further enacted, That said association may lend its money to any one whether a shareholder or not on personal security or on mortgage security on real or personal property. And said association is hereby authorized to borrow money for the purposes of its business, to the amount of one-fourth of the value of its assets, the manner of borrowing and securing such loans to be fixed by a by law to be adopted by a majority of the shareholders of each class of stock in said association. May lend or borrow money.

Approved December 9, 1892.

No. 22.] AN ACT [H. B. 201

To regulate the taking of oysters from the public reefs in this state for sale or planting.

SECTION l. Be it enacted by the General Assembly of Alabama, That the owners of land fronting on any bay, river, bayou or creek within this state, are granted the right of planting oysters, and gathering the same, in the waters in front of their lands, to the distance of six hundred yards from the shore; but when the distance from shore is less than twelve hundred yards, the owner on either shore may so plant and gather to a line which is equidistant between the two shores, but neither of such owners or other person shall plant in any natural channel so as to interfere with navigation. The respective owners shall plant within lines extended into the water, from the points where their boundaries intersect the shore, or nearly as practicable with a mean width corresponding with their respective frontage on the shore; but should the lines thus extend across each other, or seriously interfere with obtaining such a mean width, then a line equidistant from the shore lines of the respective owners shall be the boundary line between such planting grounds. This act shall not be construed as an abandonment by the state of its rights or title to the overflowed land within the Right of owners of lands. Conflicting lines.

above limits, but upon the asserting of the rights of the state, the owner of oysters planted in said limits shall have the right to remove them.

SEC. 2. Be it further enacted, That the title to, and property in all oysters in the tide waters of the state

Title of State

outside of the six hundred yard limit prescribed in the foregoing section, is and shall remain in this state until divested as hereinafter authorized. Oysters outside of the six hundred yards limit shall be known and designated as public reefs.

SEC. 3. Be it further enacted, That a license is

License to Citizens.

hereby given to resident citizens of the State of Alabama to catch and take oysters from the public reefs of the State, subject to the restrictions and regulations hereinafter enacted, but no person or persons not bona fide residents of the State of Alabama is, or shall be authorized to take or transport any such oysters from, in or through any of the waters of the State of Alabama.

SEC. 4. Be it further enacted, That when any resi-

Interest of residents.

dent citizen of the State shall lawfully take oysters from the public reefs under the provisions of this act, such person shall have a qualified interest in the oysters so taken, and shall have the right to sell the same without restrictions or reservations.

SEC. 5. Be it further enacted, That it shall be un-

Manner of taking

lawful for any person to catch or take oysters from the public reefs of the State, other than with the hands or with the double rake known as oyster togs and worked by the bands.

SEC. 6. Be it further enacted, That it shall be un-

Time of taking

lawful for any person to take from the public oyster reefs of the State any oysters for any purpose between the fifteenth day of May and the first day of September in each year.

SEC. 7. Be it further enacted, That it shall be un-

Size

lawful for any person to catch or take from the public reefs of the state oysters which are less than two and one-half inches in length.

SEC. 8. Be it further enacted, That any person or

Culling

persons engaged iii taking oysters from the public reefs in this State shall cull all oysters before leaving said reefs from which said oysters have been taken, so as to remove from the oysters of the size to be lawfully

taken, all such sma1l oysters and shells which can be detached without destroying the marketable oysters, and shall throw back all the beds or reefs, from which they are taken, all the small oysters and shells culled from the marketable oysters, scattering such small oysters and shells over the reef.

SEC. 9. Be it further enacted, That whom oysters in this State are bought and sold by measure in the shells, it shall be by box measure, and the measure must be uniform in shape, and of the following dimensions, viz: eighteen inches long, twelve inches wide, and six inches deep, all inside measure, and four of such measures filled and rounded, without heaping, shall constitute a barrel. Measure.

SEC. 10. £e it further, enacted, That no person shall be authorized to catch oysters on any of the public reefs in this State, or to transport the oysters when caught from said reefs, until such person shall have procured from the Probate Judge of Mobile county a license per each boat used in such catching or transporting, which license shall continue one year from its date. And all persons applying for such license shall give the name, dimensions and description of each boat to be used in such catching or transporting, the number of barrels of oysters such boat shall be licensed to carry, and shall pay for such license for each boat at the rate of five cents per barrel capacity of such boat, and it shall be the duty of the probate judge to give each boat its number and keep a record in his office of such number and name of each boat. Any person making application for a license shall make oath to the contents of his application, and any wilful, false swearing in reference thereto shall be perjury, and punishable as such. License required.

SEC. 11. Be it further enacted, That all persons catching or taking oysters from the public reefs of this state, shall pay to the probate judge of the county of Mobile or to the inspector or deputy inspector five cents per barrel for all oysters taken or caused to be taken from such reefs, Price per barrel.

SEC. 12. Be it further enacted, That the governor of the state of Alabama is hereby authorized to, and shall appoint and commission an inspector and three deputy inspectors, whose duty it shall be to inspect all oysters Governor to appoint inspectors.

taken from the public reefs in this state, and to see that the same are culled and that the oysters taken from the reefs are of the dimensions required, and that the small oysters and shells are scattered on the beds. Such inspector and deputies shall each give a bond for the faithful performance of his duty in the sum of two thousand dollars payable to the state and approved by the probate judge of Mobile county. Said inspectors shall be stationed at the following places, to-wit? the chief inspector at Cedar Point, one deputy inspector in the city of Mobile, one at Dauphin Island, and one at the Shell Banks in Baldwin county. Such inspector and his deputies shall have the same powers for carrying out the provisions of this law. The chief inspector shall receive for his services seventy five dollars per month, and the deputies sixty dollars per month, payable out of any moneys in the treasury not otherwise appropriated and shall he payable monthly. Provided, That the deputies at Dauphin Island and Shell Banks shall not be employed for more than seven months in the year, commencing on the 1st of September in each year; such officer shall hold office for the term of two years unless sooner removed by the governor, and the governor is authorized to remove such officers upon the advice of the grand jury of Mobile county, and to fill vacancies.

Where Stationed.

Compensation.

Time employed.

Tax to be paid.

SEC. 13. Be it further enacted, That it shall be the duty of any person engaged in the business of catching oysters on the public reefs in this state to pay to the inspector or deputy, or to the probate judge of Mobile county, the tax of five cents required by this act, and it shall be the duty of the officer receiving such tax to give a receipt therefor from a stub book, which receipt shall show the amount paid and when, and the number of barrels paid for. The stubs shall correspond with the receipts and the stubs shall be returned to the probate judge when the receipts are exhausted. The deputy inspector shall make weekly reports to the inspector, and the inspector weekly reports to the judge of probate of Mobile county, of all collections made, giving the names of persons from whom money was received, and the number of barrels paid for. Forms for receipts and reports required shall be furnished by the

Reports.

probate judge of Mobile county, for the cost of which he shall furnish vouchers to the auditor. All moneys received by the probate judge during each month shall be sent on or before the first day of the succeeding month, to the treasurer of the state, and a report thereof, by him made to the state auditor. Any officer receiving such money, may require the party paying the same to make affidavit that the money paid by him is the amount justly due by him up to the date of such payment.

Moneys sent to State treasurer.

SEC. 14. Be it further enacted, That it shall be the duty of the master or person in charge of any vessel engaged in catching or transporting oysters from the public reefs in this state to carry the license issued by the probate judge for the boat in his charge, and to exhibit the same to any inspector, deputy inspector, sheriff, or public officer, demanding an inspection of the same.

Masters of vessels.

SEC. 15. Be it further enacted, That the inspector. deputy inspector, sheriff, constable, or public officer in Mobile and Baldwin counties, shall have power and it shall be their duty to arrest with or without process any person or persons whom they may apprehend in any violation of this statute, and to seize the oysters taken or found in the possession of such person or persons, together with the boat, and implements with which said oysters have been taken ; and after securing the same shall forthwith carry such person or persons before any magistrate in the county of Mobile or Baldwin, or the mayor of the city of Mobile, for trial; and if such person or persons are found guilty, the boat and implements shall be condemned by the magistrate, or trial court, to be sold on ten days notice by the sheriff or constable at public outcry, and the proceeds turned over to the judge of probate of the county in which said proceedings are taken, after deducting the expense of taking care of such property, and the probate judge shall remit the proceeds paid him to the state treasurer. The officers above named are vested with jurisdiction concurrent it with the city and county courts to try and determine and punish all violations of any of the provisions of this act.

Duties of officers.

Boats, etc., must be sold

Duties of Captain, etc.

SEC. 16. Be further enacted, That it shall be the duty of the captain or person in charge of any boat engaged in transporting oysters to come to, and permit his craft to be boarded by the inspector, or deputy inspector, whenever hailed or called on to do so, and shall furnish all information called for in reference to the oysters on said boat, the number of barrels on such boat, when and where taken, whether from private beds or public reefs; and such captain or person in charge of such boat shall make affidavit to such statement when required to do so by the officer.

Appeal.

SEC. 17. Be it further enacted, That in all cases where persons are tried for violating any provisions of this law and found guilty before a justice of the peace such person shall have a right to appeal in ten days to the circuit court of the county.

Prosecutions.

SEC. 18. Be it further enacted, That all prosecutions for the violation of any of the provisions of this law shall be commenced within twelve months from the date of the offense, and not alterward.

Flags

SEC. 19. Be it further enacted, That the inspector, or deputy inspector, when overhauling any boat to exhibit a red flag from the mast head with the letters (O. I) in white on said flag. And it shall be unlawful for any other person to have or exhibit such a flag.

Duties of sheriff.

SEC. 20. Be it further enacted, That it shall be the especial duty of the sheriff and his deputies to assist the inspector and deputy inspector in the enforcement of the oyster laws of this state, and to arrest any boat or person violating such laws.

Perjury

SEC. 21. Be it further enacted, That any person who knowingly or wilfully makes false statements when required to make oath to any facts, under this bill, shall be guilty of perjury and be punished accordingly.

Penalty

SEC. 22. Be it further enacted, That unless otherwise provided in this act, any one convicted of the violation of any of the provisions of this statute, shall be fined not less than fifty nor more than one hundred dollars; and for each subsequent offense, not less than two hundred nor more than five hundred dollars, and may be imprisoned in the county jail for thirty days.

When unlawful to sail.

SEC. 23. Be it further enacted, That it shall be unlawful for any boat having oysters taken from the pub-

lic reefs to sail down the Mississippi Sound before such boat has been boarded by the inspector, and the tax due on such oysters is paid.

Oysters returned.

SEC. 24. Be it further enacted, That if any person carrying a cargo of oysters to the port of Mobile, is unable to sell such cargo or any part thereof, after the whole tax bas been paid, on account of there being no demand or market, and such cargo or part thereof has to be carried back to salt water to save such oysters, the person wishing so to carry back such cargo or part thereof shall first report the inspector and it shall be the latter's duty to inspect the oysters so to be carried back and ascertain the number of barrels lo be carried back, and shall give the person credit for the number of barrels so returned.

SEC. 25. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved Dec. 10, 1892.

No. 23] AN ACT [H. B. 6

To change and define the corporate limits of the town of Jacksonville, Alabama, by amending section one of an act entitled an act to create a new charter for the town of Jacksonville, Alabama, approved February 9th, 1891.

Charter amended

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act to create a new charter for the town of Jacksonville, Alabama, approved February 9, 1891, be and the same is hereby amended so that the same shall read as follows:

SECTION 1. Be it enacted by the General Assembly of Alabama, That the inhabitants residing within an area of land extending in every direction one and one fourth (1 1/4) miles from the centre of the public square in the town of Jacksonville, Alabama, be and same are hereby incorporated and made a body politic and corporate under the name and style of the Mayor and City Council of Jacksonville, which shall be managed and governed by a mayor and city council as hereinafter pro-

vided. Said corporation shall have perpetual succession, shall sue and be sued, plead and be impleaded in all court of law and equity, and in all actions whatsoever; may purchase receive and hold property, real and personal within said city, and may sell lease or dispose of the same for the use and benefit of the city, and may purchase, lease or hold real estate and personal property beyond the limits of the city for any purpose that the mayor and city council may deem necessary and proper, and may sell, lease or hold the same for the benefit of the city to the same extent as natural persons. It shall have and use a common seal, and change it at pleasure.

SEC. 2. Be it further enacted, That this act shall go into effect from and after its passage.

Approved December lOth, 1892.

No. 24.] AN ACT [H. B. 31

To incorporate the town of Arab, in the county of Marshall, and State of Alabama.

Incorporated

SECTION 1. Be it enacted by the General Assembly of Alabama, That the town of Arab in the county of Marshall, and State of Alabama, be and the same is hereby incorporated and the corporate limits of said town shall be as follows, to-wit: one mile square in conformity with the public land survey making the south-east corner of section 23 in township 8 south of range 1 east the center of said limits, and the present and future inhabitants of said town shall be and continue a body politic and corporate under the name and style of "The Mayor and Town Council of Arab" under and by which name and style the corporate authorities may sue and he sued, either in law or equity, and may purchase and hold property to the amount of ten thousand dollars, and do all acts incident to bodies corporate.

Limits.

Government.

SEC. 2. Be it further enacted, That the government of said town shall be styled "Mayor and Town Council of Arab," and shall consist of a mayor and four councilmen, who shall be citizens of said town, and shall

serve for the term of one year, and until their successors are elected and qualified, said officers to be elected by the qualified voters who shall have resided in said town for three months next preceding the election, and before entering upon their official duties shall take an oath to support the constitution of the State, and the oath of office therein contained.

SEC. 3. Be it further enacted, That the regular election for said officers shall be held annually, on the first Monday in February, and shall be conducted by two or more qualified voters appointed by the sheriff of said county at the first election, afterwards by the mayor of said town for that purpose; and said mayor so elected shall ex-officio be a justice of the peace in and for said county, and to have all the jurisdiction conferred upon the same by the laws of the State of Alabama. The sheriff at the first election, and afterward the mayor, shall determine the legality of election and declare who are the elected offiicers, and in the case of a tie shall determine who shall be the mayor and councilmen, but the corporation shall not be dissolved, should there be no election as herein prescribed, in which case the mayor shall forthwith order an election to be held on some day within thirty days thereafter, giving ten days notice of same. Elections.

SEC. 4. Be it further enacted, That should a vacancy occur in the office of mayor or councilmen, such va cancy shall be filled by the remaining members of the board. Vacancies.

SEC. 5. Be it further enacted, That the mayor and councilmen of said town shall have power: first, to elect such officers as may in their judgments be neccessary to carry into effect the powers herein granted; second, to enact such laws and ordinances as may be neccessary to maintain the same; third, to prevent and punish breaches of the peace and disorderly conduct within the limits of said town, and to punish the commission of all misdemeanors known to the laws of the State; fourth, to establish day and night police; fifth, to keep in repair the public streets, side-walks, bridges, and wells of said town, to keep them free of obstructions, to widen and change their direction, to discontinue or close them when expedient, and to open new Powers.

Ones; sixth, to license, tax and regulate auctioneers, grocers, merchants, retailers, lawyers, doctors, peddlers, cotton buyers, cotton weighers, druggists, shows, circuses and entertainments of every kind and description, other than fur social or chairitable purposes, when a fee of admission is charged, and for all other privileges taxed under the revenue code of the State ; seventh, to regulate the selling or otherwise disposing of spirituous, vinous or malt liquors, or other intoxicating beverages or bitters of any kind within the corporate limits of said town; eighth, to punish by fine notexceeding fifty dollars, and imprisonment or hard labor or both, said hard labor not to exceed thirty days, any breach or violation of the laws, ordinances, by-laws, and regulations of said town, and to impose additional hard labor upon the streets of said town for non payment of fines and costs, not inconsistent with the laws of the State;

Appeal. Provided, that in all cases wherein judgment shall have been rendered against any person he shall be entitled to an appeal to the circuit court of Marshall county, Alabama, under the rules and regulations prescribed by the laws of the State for cases tried before a justice of the peace; And provided further, that in all cases of appeal from the mayor's court, to the circuit court, when the defendant, is convicted, the fine assessed against said defendant in said court shall be collected in money and be paid over to the treasury of said town.

SEC. 6. Be it further enacted, That said corporation shall have power to levy on all property, real and personal, or mixed, within the corporate limits of said town, such taxes as may be neccessary to defray the expenses of said corporation, not to except the rate prescribed by the constitution and laws of the State for municipal corporations, and to enforce the collection of same, according to the provisions of this act.

Taxes.

SEC. 7. Be it further enacted, That an assessment of all propery within the corporate limits of the town subject to taxation by the laws of the State shall be made annually to the owner of said property when known, otherwise to owner unknown, and upon failure or refusal of any person to give in his or her property when required to do so, the marshal shall and must proceed to assess the same from the best information he can obtain; the assessment when completed must

be returned to the mayor and councilmen who shall cause ten days notice to be posted in three public places in said town of the time and place when corrections will be made; when corrections shall have been made as above provided, the assessment must be marked approved, and the marshal may collect such taxes as have been imposed upon such property by levy and sale, by giving twenty days notice of the same by posting in three public places in said town.

Streets.

SEC. 8. Be it further enacted, That all persons residing within the corporate limits of said town who are liable to road duty shall be liable and are hereby required to work on the streets and roads in said town not exceeding ten days in any one year.

Mayor.

SEC. 9. Be it further enacted, That the mayor of said town of Arab, shall have jurisdiction of and power to try all violations of laws and by-laws and ordinances of said town, and jurisdiction concurrent with justices of the peace of all misdemeanors known to the laws of this State committed within the corporate limits of said town.

Marshal.

SEC. 10. Be it further enacted, That the marshal have the same power to arrest offenders, execute process, and enforce the laws and ordinances of the town as constables of the county now have, and he is hereby vested with the same authority conferred upon constables by the laws of this Slate.

Bonds.

SEC. 11. Be it further enacted, That before the marshal and mayor of said town shall enter upon the discharge of their duties, each shall enter into bond with approved securities in the penal sums of five hundred dollars, conditioned to faithfully discharge the duties imposed upon them and payable to the State of Alabama, and to be approved by the probate judge of Marshall county, Alabama.

SEC. 12. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act shall be inoperative, against the provisions hereof.

Approved December lOth, 1892.

No. 25.] AN ACT [H. B. 54

To repeal an act entitled an act to provide for the levying and collecting license tax on dogs in Macon county, approved Feb. 6, 1891.

Repeal. SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to provide for the levying and collecting license tax on dogs in Macon county, approved February 6, 1891, be and the same is hereby repealed.

Approved December 10, 1892.

No. 26.] AN ACT [H. B. 121

To regulate the anchorage of vessels in the channel of Mobile Bay and Mobile River.

How anchored. SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of all vessels coming to anchor in the channel of Mobile bay, or of Mobile river, to so anchor that the vessels shall be and remain parallel to the fairway of the stream or the channel, and for that purpose sufficient anchors shall be placed fore and aft to hold the vessel in position; Provided, that the above requirements shall not apply to vessels temporarily coming to anchor in stress of weather, or while awaiting the assignment of a berth by the harbor master; but in such cases it shall be the duty of the harbor master, or his deputy, to assign said vessel to a berth as soon as possible.

Penalty. SEC. 2. Be it further enacted, That any vessel so anchoring in the channel of Mobile bay, or of Mobile river, which shall fail to promptly comply with the requirements of the foregoing section, shall forfeit the sum of not exceeding fifty dollars for each twelve hours or fraction thereof that said vessel shall so fail to comply, after being duly assigned a berth as hereinabove provided, the amount of such forfeit to be fixed by the court or jury trying the same, which said penalty may be collected by a suit in personam against the master, or against any one or more owners of the vessel by attach-

ment of the vessel, her tackle, apparel and furniture in the name of the State on the relation of the harbor master, and any amount recovered in any judgment, whether against the master or owners; and the cost of suit shall be a lien upon said vessel, and it shall be the duty of the solicitor of Mobile county to institute and prosecute such suits upon the grounds therefor, being substantiated by the oath of the harbor master, or by any one of the port wardens, or two reputable citizens. All moneys recovered in such suits or proceedings shall be paid into the county treasury to the credit of the Mobile river commission; Provided, that this act shall not apply to vessels engaged in the United States Naval, Light House, or Revenue service, nor to small boats of fifty tons burthen or less.

Lien on vessel.

proviso.

Approved December 10, 1892.

No. 27.] AN ACT [H. B. 139.

To amend subdivision 31 of subsection 7 of section 1, and subdivision 33 of subsection 7of section 1 of "an act to amend the charter of the city of Anniston," approved December 10,1890, and to otherwise amend the charter of the city of Anniston.

SECTION 1. Be it enacted by the General Assembly of Alabama, That subdivision 3L of subsection 7 of section 1 of "an act to amend the charter of the city of Anniston," approved December 10,1890, be so amended as to read as follows: Subdivision 31—To grant the right of way through the streets, avenues, alleys, public grounds or thoroughfares of said city, for the purpose of street or other railways, telephone, telegraph, electric light, gas, water, or for other proper purposes; but no such franchise shall be granted except by ordinance, and such ordinance, after the first reading and before its second, shall be published twice, at the expense of the party applying therefor, in some newspaper published in the city of Anniston for public information, and the same shall be considered for action at some subsequence regular stated meeting of the council, and when on its second or third reading shall be subject

Rights of way.

Amendm'nts

to amendments and changes not entirely changing the sense and object of the ordinance or franchise, and further publication shall not then be necessary to make such amended ordinance valid and in force, if properly and duly passed by the council and approved by the mayor.

SEC. 2. Be it further enacted, That subdivision 33 of subsection 7 of section 1 of "an act to amend the charter of the city of Anniston," approved December 10,1890, be amended so as to read as follows: Subdivision 33—To pass all laws necessary for the protection of said city against fire, and for this purpose, may establish fire limits, and remove from such limits wooden buildings or other structures, paying the owners therefor a fair and reasonable compensation which shall be determined by arbitration, the owners to select one arbitrator, the mayor of the city of Anniston another, and if they do not agree a third arbitrator shall be elected by the other to arbitrators, and the amount agreed upon by a majority of such arbitrators shall be final as to the value of much building; and to enact ordinances to punish by fine or imprisonment the erection, repair or maintenance by any one of anv building constructed or repaired, after the same shall have been prohibited in said fire limits other than those allowed by ordinance; but the said mayor and city council of Anniston shall not have the right, within the fire limits prescribed, to make any discrimination, or to permit any person to erect or repair any building therein otherwise than in conformity to the ordinances applicable to the whole of the territory within the fire limits.

Fire protection.

SEC. 3. Be it further enacted, That the said mayor and city council of Anniston shall have no right to give or sell permission to any person to use any portion of any street or alley of said city for entrance by stairways to any cellar or the upper story of any building, or to otherwise obstruct any portion of a street or alley in said city; but such prohibition shall not apply to temporary obstructions necessary in the construction of any building, repairing or other improvement.

Obstructions

SEC. 4. Be it further enacted, That the city council shall each year designate three competent citizens to associate with the county tax assessor, who shall assist such assessor each year to assess for taxes all the prop-

Taxes.

erty in the corporate limits of said city subject to taxation under the laws of this State; and the persons so designated by the council shall be paid by the day for time actually employed in assisting the county assessor.

Approved December 10, 1892.

No. 28.] AN ACT [H. B. 152

To better prevent the commission of trespass upon lands in precincts Nos. four, five, six, seven, eight, nine and fifteen, in Hale county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the owers of any land in precincts Nos. 4, 5, 6, 7, 8, 9 and 15, of Hale county, Alabama, who may desire to prevent trespassing in any way upon the same, may do so by posting in three different places on said land the following written notice, to-wit: "All persons are hereby warned not to trespass in. any way upon this land." Trespassing

SEC. 2. Be it further enacted by the General Assembly of Alabama, That any person who shall violate the provisions of above section after the notice therein specified has been given within six months previous thereto, without a good and sufficient excuse, to be determined by the jury trying the same, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars, or more than five thousand dollars. Penalty.

Approved Dec. 10, 1892.

N. 29.] AN ACT [H. B. 170

To repeal in act approved Dec. 11, 1890, entitled an act to amend section two of an act to amend section 1319 of the code, so far as the same relates to the town of Louisville in Barbour county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act approved December 11, 1890, Repeal.

entitled an act to amend section two of an act to amend section 1319 of the code so far as the same relates to the town of Louisville in Barbour county, be and the same is hereby repealed.
Approved Dec.10,1892.

No. 30.] AN ACT [H. B. 34

To compel the determination of claims to real estate in certain cases and to quiet the title to the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That when any person is in peaceable possession of lands, whether actual or constructive, in this, State, claiming to own the same, and his title thereto, or to any part thereof, is denied or disputed, or any other person claims, or is claimed or reputed to own the same, or any part thereof, or any interest therein, or to hold any lien or incumbrance thereon, and no suit shall be pending to enforce or test the validity of such title, claim or incumbrance, it shall be lawful for such person so in possession to bring and maintain a suit in equity to settle the title of said lands, and to clear up all doubts and disputes concerning the same the bill of complaint in such suit shall describe the lands with certainty and shall name the person who claims or is claimed or reputed to have such title or claim or interest in, or incumbrance on, said lands, and shall call upon such person to set forth and specify his title, claim, interest or incumbrance, and how and by what instrument the same is derived or created.

Suit in equity.

SEC. 2. Se it further enacted, That no decree for costs shall be had in such suit against any defendant who suffers a decree pro confesso against him, or who shall answer disclaiming all title to, interest in, or incumbrance on, said lands, but the court shall in such cases, without further proof, decree that such defendant has no estate or interest in or incumbrance on said lands, or any part thereof, and any defendant who shall by answer, duly verified by oath, deny that he claims or ever has claimed or pretended to have any

Costs.

estate, interest or incumbrance in, or upon, said lands or any part thereof, shall be entitled to his costs in said suit.

Answer of defendant.

SEC. 3. Be it further enacted, That if any defendant shall answer claiming any estate, or interest in, or incumbrance on, said lands, or any part thereof, he shall in such answer specify and set forth the estate, interest or incumbrance, so claimed, and if not claimed in or upon the whole of said lands, he shall specify and describe the part in or upon which the same is claimed, and shall set out the manner in which, and the sources through which, such interest, estate or incumbrance is claimed to be derived.

Trial by jury

SEC. 4. Be it further enacted, That upon application of either party, a trial by jury shall be directed to try the validity of such claim, or to settle the facts, or any specified portion of the facts, upon which the same depends, and the court of equity shall be bound by the result of such trial, but may for sufficient reasons order a new trial thereof; and when such trial is not requested, or as to the facts for which the same is not requested, the court of equity shall proceed to inquire into and determine such claims, interest and estate, according to the course and practice of the court, and shall, upon the finding of the jury or upon such inquiry and determination, finally little and adjudge whether the defendant has any estate, interest, or right in, or incumbrance upon said lands, or any part thereof, and what such interest, estate, right or imcumbrance is, and in or upon what part of said lands the same exists.

Decree.

SEC. 5. Be it further enacted, That the final determination and decree in such suit shall fix and settle the rights of the parties in said lands, and the same shall be binding and conclusive on all parties to the suit.

Proceedings.

SEC. 6. Be it further enacted, That all proceedings had under this act, except as herein otherwise provided, shall be had in accordance with the practice in courts of equity in this state.

SEC. 7. Be it further enacted, That this act shall take effect upon its passage.

Approved December 10, 1892.

No. 31.] AN ACT [H. B. 137

To incorporate the Daniel Tyler Hose Company No. 1, located in the city of Anniston, Calhoun county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That O. H. Parker, H. B. Rudisill, George A. Noble, 0. Z. Henderson, W. H. M. Weaver, E. L. Turner and others, their associates and successors, be and they are hereby declared and constituted a body corporate by the name and style of the "Daniel Tyler Hose Company No. 1" of the city of Anniston, Calhoun county, Alabama, and by that name and style may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity in the state of Alabama; and may have, hold, occupy and possess goods and chattels, lands and tenements, not to exceed the value of fifteen thousand dollars, and may sell, transfer, barter or exchange the same at pleasure, and may have and use a common seal, and alter, break or amend the same at pleasure.

Corporators.

Name.

SEC. 2. Be it further enacted, That, said company may enact such by-laws, rules and regulations for the proper organization, management and good government of the company as may seem fit anti proper to the members, not inconsistent with the constitution and statute laws of the state of Alabama and of the United States and the provisions of this act of incorporation.

By-laws.

SEC. 3. Be it further enacted, That the members of said company shall be exempt and they are hereby exempted from military and jury duties, street and poll taxes in the city of Anniston, so long as they continue to perform their duties as active firemen while members of the company; Provided, however, that there shall be no honorary or pay members of said company who shall enjoy the privileges and immunities of active members under this act, except those such as have served seven (7) consecutive years as active members of said company, in good standing, from the date of its organization, to-wit: the 18th day of September, 1883, or shall have been disabled while in active performance of their duties as firemen.

Exemptions.

SEC. 4. Be it further enacted, That whenever the said company shall cease to be an effective company or organization by not keeping a proper hose reel, hose and other apparatus belonging or appertaining to it, or by not keeping the same in serviceable working order, or shall neglect the performance of their duties as firemen, or violate the provisions of this charter, it shall be the duty of the mayor and city council of Anniston to issue notice to the members of said company to appear before the mayor and city council of said city at their next regular meeting, and show cause why their charter should not be declared forfeited, and if all the members of said company shall fail to appear, or those appearing shall be found guilty of violating the provisions of this charter, then the said mayor and council shall have the power, if they deem proper, to declare said company's charter hereby granted forfeited. neglect of duties

SEC. 5. Be it further enacted, That it shall be the duty of the secretary and treasurer to furnish to the sheriff of the county of Calhoun, whenever called upon, a true list of the names of the members of said company who may at the time of making such report, or furnishing such list, be entitled 10 the immunities and privileges of the company, which said list or report he must verify by oath before a justice of the peace or notary public authorized to take affidavits; and it shall be the duty of the sheriff to prevent said names from being placed in any jury box in said county. Duty of secretary.

SEC. 6. Be it further enacted, That at no time shall the membership of said company exceed forty (40) active members. Number.

SEC. 7. Be it further enacted, That said company shall be entitled to all rights, privileges and immunities properly and legitimately belonging or appertaining to incorporated fire companies. Rights.etc.

Approved Dec. 10, 1892.

No. 32.] AN ACT [H.B.138

An act to amend sections five and eighteen of "an act to amend an act entitled an act to incorporate the town of Anniston, Calhoun county, Alabama, approved February 4th, 1879, and the various acts amendatory thereof," approved February 23,1889.

Amendment. SECTION 1. Be it enacted by the General Assembly of Alabama, That section five of an act to amend an act entitled an act to incorporate the town of Anniston, Calhoun county, Alabama, approved February 4,1879, and the various acts amendatory thereof, approved February 23,1889, be so amended as to read as follows: Section 5. Be it further enacted, that the mayor and each councilman shall, before entering upon the duties of his office, take an oath that he will faithfully and impartially discharge the duties of his office. The coun-

Mayor Pro-term cilmen shall elect one of their own members to be their presiding officer to act in the mayor's absence, who shall be clothed with all the authority of the mayor pro tempore. The city council shall judge of the qualifications, elections and returns of its own members, and shall prescribe rules for the determination of contested elections. It may determine its own rules of procedure, and prescribe the punishment of its members for non-attendance or disorderly conduct, and enforce the same; and two-thirds of the whole number of councilmen may expel a member for improper con-

Vacation of office duct while in office. An absence from the regular meetings in succession, except in case of sickness, unless excused by a majority vote of the remaining members of the council, shall vacate the office of any councilman; but no seat in the council shall be declared vacant until due opportunity and proper notice has been given for the offender to appear and be heard before a regular meeting of the council.

Quorun. It shall require a majority of the whole number of councilmen to form a quorum for the transaction of business, but a smaller number may adjourn from day to day, and under a provision of ordinance compel the attendance of absent councilmen by fines and penalties. To enable the city council to fully investigate charges against its own members or city officers or employees

or to examine into such other matters as they may deem proper, the mayor, at the request of the board, or a majority of them, is hereby empowered to issue subpoenas and compulsory process to compel the attendance of persons and the production of records, books and papers before the city council or any committee thereof. Power of Mayor.

The city council shall hold meetings at such times as it may determine, not exceeding two regular stated meetings per month. Councilmen shall receive no compensation. Meeting.

It shall be the duty of the city council, before the first day of July of each year, to agree upon a budget of expense for the next ensuing fiscal year, which shall run from July 1st to June 30th, inclusive; and in such budget shall designate the officers of the corporation for the year, with the salary of each ; and under general heads, such as "streets," “fire department," lights," “schools," "water," police," etc., the objects of corporation expenditures and The estimated amount run out in figures for each. The city council shall also estimate the probable receipts for the year, which receipts shall be itemized and set forth under general heads, such as "real taxes," "personal taxes," "license taxes," "street taxes," "dog taxes," "city pound fees," "police court fines," "sewer permits," "building permits," "school funds," from state and county, and other items of revenue which appear probable. Annual expense.

The budget so agreed upon, including receipts and expenditures, shall be published at least three times in one of the newspapers of the city; and there shall be no appropriation of money by the city council for the next ensuing fiscal year in excess of the receipts for such year; and every appropriation in excess of such receipts shall be absolutely void. Publication.

If any mayor, councilman, or officer, or employee of the corporation, or any other person interested in the disbursement of corporation funds, shall violate any of the provisions of this section in matters connected with the budget, or with the disbursement of any of the city funds, or shall aid in such violation, or shall create or aid in creating or incurring any liability beyond the receipts as estimated and set, forth in the budget in the modes especially designated, he shall be civilly liable for the indebtedness so incurred, and all loss, damage Liability.

or expense connected therewith; and in addition
Penalty. thereto, on conviction, shall be fined not less than twenty-five dollars nor more than one hundred dollars, and may also be imprisoned in the city or county jail not more than three months.

SEC. 2. Be it further enacted, That section eighteen of an act to amend an act entitled an act to incorporate the town of Anniston, Calhoun county, Alabama, approved February 4th, l879, and the various acts amendatory thereof, approved February 23, 1889, be so amended as to read as follows :

When taxes due. Section 18. Be it further enacted, That taxes on real and personal property in said city of Anniston shall be due on October first of each year, and shall become delinquent on December first of each year. It shall be the duty of the city tax collector to file with the recorder of said city of Anniston a list of the property on which taxes are due and unpaid, on or before January first in each year, describing the same as accurately as may be, with the name of the owner thereof, or to unknown owner if owner is not known, and state the amount of taxes
Recorder's docket. due on each lot or parc.et separately. It shall be the duty of the recorder to keep a book in which he shall enter, or cause to be entered, the property so reported to him as delinquent, docketing a case against each lot or parcel separately, as follows: Mayor and City Council vs, ——(describing the property), and against such entry note the ownership of said property and the amount of taxes and costs due on same, and shall leave space for the proper judgment entry in each case.

The recorder shall then cause a notice to be served
Notice to owners. on the owner of such property, if a citizen of Anniston, or upon the agent of non-residents if such agents be known, stating that proceedings are pending before the recorder to have said land sold for taxes. If the owner be unknown, or not a citizen of Anniston, and without a known agent in said city, said notice shall be given publication in some newspaper published in the city of Anniston, once a week for three weeks. The notice prescribed shall be served by some policeman of the city of Anniston, or by a person designated by the mayor for that purpose, whose return of service shall have the same force and effect as a return of a sheriff on process from the circuit court, or court of like jurisdiction.

If the taxes remain unpaid for two weeks from the service of such notice, or the last insertion of such publication, the said recorder shall, unless good cause to the contrary be shown, enter upon his docket a judgment against such property for the amount of taxes, interest (calculated from December first preceding) and costs due 011 said property, and a decree for the sale of the property for the non-payment of the same, which judgment and decree shall be sufficient if in substance as follows: "Due notice having been given, and no cause shown to the contrary, it is decreed that the property described in this cause be sold for non-payment of $———, the amount of taxes, with interest and costs," which judgment shall have the same force and effect as a decree from the chancery court of the district where said real estate is situated, or a decree from the city court of Anniston exercising chancery jurisdiction. Judgment.

An appeal may be taken to the next term of the city court of Anniston by any person interested in said property from the decree of the recorder in such case, upon the party entering into a good and sufficient bond in double the amount of the judgment, with good and sufficient sureties, to be approved by the recorder, such appeal to be taken within thirty days from the rendition of the judgment. Said bond shall be conditioned to pay such amount as decreed by the city court of Anniston, and perform any decree it may render in the premises, and all such costs or damages as the mayor and city council of Anniston shall sustain, if the judgment is affirmed. Such appeal shall Le heard on the record and bill of exceptions reserved by the defendant, setting out such of the evidence as he may deem necessary for a fair presentation of his defense, and must, be affirmed, or reversed and remanded, or decree rendered by the judge as he may deem just, fit and proper. Appeals.

Upon the city obtaining judgment in any of said causes, the city tax collector shall advertise the property so described to be sold for three weeks, once a week, in some newspaper published in said city of Anniston, setting forth in such advertisement the description of said property, the amount of the judgment against the same, the ownership thereof as shown by the recorder's docket, and the time and place and terms of such sale; and on the day advertised, at the place mentioned in property advertised.

said advertisement, being some place in said city of Anniston, within legal hours of sale, he shall offer said property for sale to the highest bidder for cash, and may continue said sale from day to day, or adjourn the sale of one or more pieces of the property for want of bidder or other good cause, from time to time, not longer than ten days at one time, and may give notice of such adjournment by a foot note to the original advertisement. The mayor and city council of Anniston may purchase at any sale any piece of property for which there is no bidder greater than the amount of said judgment, or may withdraw from sole any piece for which there is no hid exceeding said amount.

Tax certificate.

Where any piece of property so offered for sale is bid off by any person, the city tax collector shall give to such purchaser a certificate, stating the fact of his purchase and the price and amount and nature of the judgment for which the property was sold, which certificate shall be transferable by endorsement; and if said property is not redeemed by the end of two years from the date of sale, the city tax collector shall execute a deed to the holder of the certificate conveying the property sold, which deed shall be acknowledged by the said tax collector before any competent officer, and upon being duly probated as required by law, shall vest in the grantee all the right, title and interest which the owner of the property conveyed had in the same.

Tax deed.

A deed made and recorded, as provided in this section, shall, when offered in evidence in any court in this state, be prima facie evidence that every requisite for a legal sale under this act has been fully complied with. If, for irregularity in proceedings, or other cause, a sale for taxes under this act shall prove ineffectual to pass title to the purchaser at such pale, or his assigns or grantees, then the holder of the certificate of purchase, or deed, as the case may be, shall have the lien of the said mayor and city council of Anniston on the land therein named for the amount of taxes, interests and costs for which said land may have been sold, and shall also be a lien upon said land for interest upon same, and for taxes paid thereon by any holder of such certificate or deed, after the time of such sale, and such lien may be enforced by new proceedings before the recorder in the name of the mayor and city council of

Anniston, upon indemnity being given for costs. The owner or mortgagee of any interest in said property, whether in possession, reversion or remainder, may, at any time before the execution of the deed provided for in this act, redeem any property so sold by paying to the city tax collector the amount for which said property was sold, with ten per centum damages thereon, and interest on the whole amount at eight per centum per annum; and said collector shall give to the person redeeming a certificate of such redemption, which, if held by a mortgagee or other person in interest, shall be a lien on said land for the amount paid to redeem any interest therein and any subsequent taxes paid by such redeeming party, and the said tax collector shall pay over a1l the redemption money to the holder of the certificate of purchase, upon the same being presented to him. The recorder shall tax as costs against the property ordered to be sold by him, fees for docketing and for giving notice and for the trial and redemption of judgment, and for making certificate of purchase and execution of a deed as the mayor and city council of Anniston may prescribe, not exceeding five dollars in any case, which shall be paid into the treasury of the city. The certificate of purchase under this act shall authorize the purchaser or his assignee to maintain ejectment for the possession of premises sold against the former owner, if the sale was made as required by this act, and in addition to the right of redemption secured by this act, the owner or mortgagee of any interest in the property, whether in possession, reversion or remainder, may redeem the same on the terms and conditions prescribed in this section above provided for, at any time within two years from the time the purchaser enters upon or maintains possession of the property, and if such owner or mortgagee is an infant or person non compos mentis, he shall be allowed two years after the removal of such disability in which to redeem.

Redemption.

Costs.

Approved December 10, 1892.

No. 33.] AN ACT [H. B. 196

To repeal section one of an act entitled an act to amend sections four and six of an act entitled an act to prevent stock from running at large in the several beats of Randolph and Calhoun counties, and to authorize elections thereon, approved Feb. 18, 1891.

SECTION 1. Be it enacted by the General Assembly of
Repeal. Alabama, That section one of an act entitled an act to amend sections four and six of an act entitled an act to prevent stock from running at large in the several beats of Randolph and Calhoun counties, and to authorize elections thereon, approved February 18, 1891, be and the same is hereby repealed.

Approved December 10, 1892.

No. 34] AN ACT [s. 49

To confer upon the Alabama Grand Trunk Railroad Company additional rights and powers.

SECTION 1 Be it enacted by the, General Assembly of Alabama, That the Alabama Grand Trunk Railroad Company, under the provisions of an act entitled an act to incorporate the Montgomery and Sylacauga Railroad Company, approved February 11, 1889, and an
Line of road act amendatory thereof, providing for its reorganization under the name and style of the Alabama Grand Trunk Railroad Company, approved February 7,1891, is hereby authorized and empowered to construct, maintain, own, sell, rent, lease, use and operate a railroad from some point on the line between the state of Alabama and Mississippi, in Mobile, or Washington county, in this state, thence via the city of Montgomery, to some point on the line between the state of Alabama and Tennessee, in Jackson county, in this state, together with such branch line or lines as a majority of its stockholders may deem proper. Said corporation is also
Contract. hereby authorized and empowered, in lieu of constructing any part of its line or branches, to purchase, lease, or otherwise acquire any other railroad or any interest

or part thereof, whose line may be located, in whole or in part, along the line of its railroad or branches, or said corporation, for the purpose of forming through lines, or to otherwise increase its business, is authorized and empowered to make common stock, or any other contract, whereby it may sell or lease to such company any or all of its railroad or branches, and the franchises thereof, and such other road or corporation as it may select is likewise authorized and empowered so to contract with it.

SEC. 2. Be it further enacted, That said corporation is hereby authorized and empowered to have and to hold and to sell or mortgage all or any part thereof, real, personal and mixed property for the construction, maintenance, use and operation of its railroad and branches, and for its present and future business, as well as such other real and personal property as it may otherwise acquire by gift, devise, donation or purchase, for investment or development, and to sell or mortgage all or any part thereof at pleasure, and to engage in any business or subscribe to stock in any corporation, as an individual, for the proper development and use of the same, and to do all things necessary and proper to effectuate the purposes of' this and other grants to said corporation; and generally to have, enjoy and exercise all the rights, powers and privileges conferred upon corporations by the general incorporation laws of this state. Powers

Approved Dec. 12, 1892.

No. 35.] AN ACT [s. 72

To incorporate the town of Heflin.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the town of Heflin in Cleburne county, Alabama, shall be and constitute a body politic and corporate by the name of the Town of Heflin, and by that corporate name may sue and be sued, grant, receive and do all other acts as natural persons in respect to the powers herein granted; may purchase and hold real, personal and mixed property, Incorporated

and dispose of the same for the benefit of said town, and may have and use a town seal, which may be changed or altered at pleasure.

Corporate limits.

SEC. 2. Be it further enacted, That the corporate limits of said town shall begin at the railroad crossing sign post, where Oxford street crosses the Georgia Pacific railroad east of the depot, and runs thence west seven hundred and twenty-six yards, the course being twenty and a half degrees southwest; thence fifteen degrees east of south, one thousand and forty-five yards; thence east seven hundred and twenty-six yards, parallel with north line; thence north one thousand and forty-five yards, parallel with west line to beginning corner.

Election.

SEC. 3. Be it further enacted, That the government of said corporation shall consist of and its corporate powers shall be exercised by a mayor and four councilmen, who shall be elected by ballot on the first Saturday after the first Monday in January, eighteen hundred and ninety-three, and bi-ennially thereafter, by the male inhabitants of said town of or over the age of twenty-one years, who are entitled to register and vote under the laws of this state, and who have resided therein for thirty days next preceding such election. Said election shall be held under the direction of the mayor and marshal of said town, at some convenient place in said town of Heflin. The mayor and marshal shall give at least ten days notice of the time and place of holding said elections, by posting written or printed notices thereof at two or more public places in said town, and shall appoint three inspectors and one returning officer to conduct said election. Said election shall be conducted in the same manner as elections are conducted under the general laws of the state. The inspectors shall certify the result of such election and the returning officer shall make the return to the mayor, who shall declare the result of the election; and in case of a tie, the marshal shall give the casting vote, and the mayor shall give to the persons elected certificates of election. The persons so elected, before entering upon the discharge of the duties of their respective

offices, must take and subscribe before the mayor of said town an oath to discharge faithfully and without favor or partiality the duties of their respective offices, which oath shall be recorded by the mayor or clerk in the minute book of said corporation. Should the mayor of said town, at any election for officers of said town, be re-elected as his own successor, he may take the oath of office before the probate judge of said county of Cleburne, or any other officer in said county authorized under the law to administer oaths. The said mayor and councilmen shall continue in office for two years, and until their successors are elected and qualified. If, from any cause, said elections should not, be held on said Saturday after the first Monday in January in any year, the said mayor and marshal of said town shall, as soon thereafter as practicable, appoint another day for holding such elections, not more than thirty days after such regular day, of which like notice shall be given and inspectors and returning officers appointed, and the election held as in the manner above directed; and if from neglect or failure of said mayor and marshal to discharge their duty, or from any other cause no such election should be ordered or held within thirty days alter the first Saturday after the first Monday in January in any year, or within thirty days after the time set for any election of officers for said town, it shall be the duty of the sheriff of Cleburne county, upon the application of any three electors residing within the corporate limits of said town, and entitled to vote in such election. to order such election, appoint inspectors and returning officers and give the notice prescribed in this section, and such election shall be held and conducted and returns made in all respects as provided in this section ; Provided, that in case of a tie in any election ordered by the sheriff as herein provided, the sheriff shall be given the casting vote.

Oath of office.

Election.

SEC. 4. Be it further enacted, That no person shall, hold the office of mayor or councilman of said town who has not resided therein one year next preceding his election, and that no person shall hold the office of marshal who is not entitled to vote in any election for mayor and councilmen, or who has not resided in said town for three months next preceding his election.

Qualificati'ns

SEC. 5. Be to further enacted, That the ballots cast at any election held under this act shall, after being
Ballots, etc. counted, be carefully sealed up with the poll list kept at such election, and labeled, and shall be kept by one of the inspectors without being opened for twenty days after said election is held, and then if there be no contests instituted for any of the offices filled by such election, they shall be burned without being opened; but in the event of a contest, they shall be delivered to the judge or court trying the same.

SEC. 6. Be it further enacted, That any election
Contests. held under this act may be contested for any of the grounds for contesting elections under the general laws of this state to contest elections. Such contest shall be tried before the judge of probate of Cleburne county, and shall be governed by the rules prescribed in article 3, chapter 4, title 6 of the code of Alabama of 1886, so far as the same are applicable; Provided, such contests are instituted within twenty days after such election is held.

SEC. 7. Be it further enacted, That if the mayor or any councilman, during his term of office and after
Vacancies qualifying, shall die, resign, remove from said town, refuse to act or be permanently disabled from acting, the remaining members of the board shall elect in his stead, if mayor, one of their number; if councilman, another councilman from the citizens of said town, who shall have the qualifications in the fourth section of this act, and the person so elected shall continue in office during the remainder of the term and until their successors are elected and qualified, and it any person elected to the office of mayor or councilman, under any of the provisions of this act, shall fail or refuse to qualify within twenty days after their election, the remaining members of the board shall elect in his stead, if mayor, one of their own body, or if councilman, some person having the qualifications prescribed in the fourth section of this act, who shall continue in office during the remainder of the term and until their successors are elected and qualified.

SEC 8. £e it further enacted, That in filling the va-
Qualificatio's cancy in any office, as provided in the preceding sections of this act, the councilmen shall be the judge of the qualifications of the mayor, and the mayor and act-

ing councilmen shall be the judges of the qualifications of a councilman.

Quorum.

SEC. 9. Be it further enacted, That a majority of the board of mayor and councilmen shall constitute a quorum for the transacting of business; they shall fix their own sessions, and special meeting of the board may be called for by the mayor at his own option, or by any two of the councilmen. In case of sickness or temporary absence of the mayor, the councilmen may appoint one of their own number to act as mayor pro tem and such mayor pro tem shall exercise all the powers and perform all the duties of the mayor; but the mayor or any councilman shall not vacate his office by any temporary absence from the town or state.

Mayor; duties of.

SEC. 10. Be it further enacted, That it shall be the duty of the mayor to attend and preside over all the meetings of the council; keep, or cause to be kept, in a well bound book kept for that purpose, a minute of the proceedings, and perform all other duties required of presiding officers of deliberative bodies; and he shall have the power and authority to take jurisdiction of every violation of the laws and ordinances of said town, and to try, convict and punish the person committing the same by fine and imprisonment in the town prison, one or both, in his discretion. He shall also have the jurisdiction of a justice of the peace in all matters, civil and criminal, arising within the corporate limits of said town.

Subordinate officers.

SEC. 11. Be it further enacted, That the mayor and councilmen shall have power to elect a town marshal and such other officers and agents as may be necessary and proper to execute the powers herein conferred on the corporation, or as may be deemed proper for the good government of the town; to prescribe their duties, liabilities and powers; to require of them bonds with securities in such amount as may be deemed expedient for the faithful discharge of their duties; to remove or discharge at any time any or all such officers or agents, for failure or neglect to perform any duty required of them under the by-laws and ordinances of said town, or when their services as such officers or agents shall be no longer needed, a majority of the board concurring in such removal, and to fix and regulate from time to time the compensation of such officers or agents. The

Terms of office.

officers or agents so appointed shall continue in office, unless removed, until the next biennial election of officers for said town, and until their successors are elected and qualified. The election of marshal, as herein provided, shall be had at the first regular meeting of the board after each biennial election for mayor and councilmen; Provided, the mayor and councilmen elected at such election shall have qualified; otherwise, at the first regular meeting of the board after such officers have qualified, unless such election is by order of the board deferred to another lime.

Ordinances.

SEC. 12. Be it further enacted, That the town clerk, or in case no clerk shall be elected, the mayor, shall keep a regular record of all proceedings, orders, regulations and ordinances of the board, which shall be read to the board and signed by the mayor or presiding chairman, and the same shall have the force and effect of a record, but all ordinances shall be approved by the mayor, and in case the mayor shall fail to approve any ordinance enacted by the council, he shall return the same to the council with his objection thereto, and then it two-thirds of the board of mayor and councilmen shall vote in favor of the ordinance, it shall become a law, and the mayor must approve the same; but before any ordinance shall go into effect, it must be published ten days by publication in some newspaper, if any be published in said town; if none be published there, then by posting copies as above prescribed. The ordinance shall also be recorded in a well bound book kept for that purpose, and when so recorded such record shall be received in evidence in any court of record or elsewhere in this state, and have the same force and effect in such courts or elsewhere as the original ordinance would have; and in case where said record cannot be obtained, a copy of the same certified by the mayor of said town shall be received as evidence in all cases in which the original ordinance would be admissible, and have the same effect as the original would have. The mayor shall keep all records of said corporation in his office, and they shall at all times be open for inspection.

Marshal; authority of

SEC. 13. Be it further enacted, That the marshal shall have authority without warrant to arrest all offenders breaking the peace or violating any ordinance

or law of said town, and bring them before the mayor; or imprison them, or require bond and security of them for their appearance before the mayor, as the ordinance of said town may direct; to execute by levy and sale, if necessary, all process issued by the mayor or clerk for the collection of taxes, fines, forfeitures and other dues owing to said town; and to discharge such other duties as may be required of him by the laws and ordinances of said town. He shall also be authorized to execute all process issued by the mayor of said town acting as justice of the peace, and his acts in regard to such process shall be valid to all intents and purposes.

Mayor and council; powers.

SEC. 14. Be it further enacted, That the mayor and councilmen shall have power and authority to declare, prevent and remove nuisances; to prevent the introduction of contagious or infectious diseases within the corporate limits of said town, and provide places for the reception of the sick; to erect a calaboose; to establish day and night watches; to license and regulate the retailing and wholesaling of spirituous liquors within the corporate limits; to erect and repair bridges; to sink and repair public wells; lo erect sewers ; to open and keep in repair streets, avenues and alleys; to prohibit and disperse unlawful or disorderly assemblages; to license, restrain and regulate theatrical and other exhibitions and shows of whatever kind or character for pay; also lectures and concerts for pay, except lectures and concerts for charitable purposes; to license and regulate bankers, peddlers, hackney coaches, carriages, wagons, carts and drays, and other vehicles of like kind running from one part of said corporate limits to another for hire; to license and regulate pawnbrokers, auctioneers, commission merchants, grocery merchants, the keeping of hotels, eating or boarding houses, livery and sale stables, barber shops, billiard rooms, bowling saloons, ten-pin alleys and stores and shops for the sale of any goods, provisions, drugs or other articles or commodity whatever; to fix the price of or tax on all license, and fix the time when they shall expire; to restrain and prohibit gambling or gaming houses, and houses of ill fame; to punish and prohibit violations of the Sabbath ; to prevent stock of any kind from running at large in said town ; to prohibit riots, assaults, assaults and batteries, and all other

broaches of the peace, and all misdemeanors and felonies, and all disorderly conduct, to provide for the punishment, by fine or imprisonment, or by work on the streets or other works of the town or both, for any breach of the laws or ordinances, but no fine shall exceed fifty dollars, and no imprisonment or work on the streets or other works of the town shall exceed twenty days; and also to provide in cases where fine and costs are not presently paid or secured by the party convicted. that the party so in default shall work out the fine and the costs under the direction of the town officers; Provided, that the time of such work shall not exceed thirty days; and to enact all such by-laws, laws and ordinances as may be necessary to execute and enforce the powers herein granted, or as may be expedient for the good government of the town, not contrary to the constitution and general laws of this state, or to the restrictions in this act expressed.

Condemnation of property.

SEC. 15. Be it further enacted, That the corporate authorities of said town shall have the power to condemn private property for the use of the streets, avenues and alleys, and for the improvements of a public nature in said town, that whenever the corporate authorities shall deem it necessary to obtain any private property for the purpose expressed above, and the board of mayor and councilmen and the owners of such property cannot agree upon any terms or value respecting the same, the mayor of said town shall select two citizens of said town who are entitled to vote at any election therein, and the owner of such property shall select two citizens of said town, voters therein and these four thus selected shall select a fifth man with like qualifications, and the five men thus chosen shall constitute a board for assessing the damages to the owner of such property resulting from the appropriation of the same to the public use designed, and when the damage is so assessed and paid, or tendered by the said corporate authorities to such owner, the said corporate authorities shall then have authority to appropriate such property to such public use ; Provided in all cases the board of assessors so selected shall, before assessing the damages, take an oath to assess the damages without favor or partiality. If the owner of such property shall, after three days notice from the mayor of said town requiring him

to make such selection of a board of assessors, fail or refuse to do so, then in such case the mayor may make the selection of four men, which four shall select the fifth man as above provided, and the board thus selected shall make the assessment as above provided.

Vagrants.

SEC. 16. Be it further enacted, That the corporate authorities of said town shall have authority to cause all vagrant or idle persons, all persons of ill-fame or evil life, common prostitutes and such as have no visible means of support, or are likely to become a public charge as paupers, or are found begging in or about the streets, being able-bodied persons, or can show no reasonable and legitimate course of business or employment, all who have no fixed place of residence, or cannot give good account of themselves; all who are indecent in language or behavior on the streets, to give security for their good behavior for a reasonable time not to exceed twelve months, and to indemnify the town against any charge for their support; and in case of their refusal or inability to give such security, to cause them to be confined in the town prison, or sentenced to labor on the streets or other works of said town, for a limited time not to exceed ten days in any one month, and if such persons be found afterwards so offending, such security may be again required, and on failure to give the same, like proceedings may be had as often as may be necessary.

Taxes.

SEC. 17. Be it further enacted, That the mayor and councilmen shall have authority to levy and collect taxes on the real and personal property in the corporate limits, on auction sales and sales of merchandise, and on all property within the corporate limits of said town, upon which the state levies and collects taxes under the general laws of the state; Provided, that no tax shall be levied or collected upon sales under judicial proceedings or under executions, or by administrators, executors, guardians, or under deed of trust or mortgage for the security or payment of debts.

Assessment.

SEC. 18. Be it further enacted, That the tax levied and collected on personal and real property, by virtue of the powers herein granted, shall not in any one year exceed one-half of one per cent. of the value thereof, and shall be levied according to assessment and valuation of the property taxed, made by such persons and

under such regulations as the mayor and councilmen may prescribe, which said assessment the mayor and councilmen are authorized to make, or they are empowered to appoint one of their number or the marshal or other officer to make; and they shall have power and authority to revise and correct the assessment so made as they may deem proper.

Street tax.

SEC. 19. Be it further enacted, That the mayor and councilmen may provide for the payment of a street tax not to exceed five dollars in any one year, by each male person within the corporate limits of said town between the ages of eighteen and forty-five years, who are not exempt under the laws of this state from road duty in lien of working 011 the public streets, avenues and alleys of said town; said street tax to be collected at such time and under such regulations as may be prescribed by ordinance. All male persons between such ages and not exempt from road duty under the general laws of this state, shall be liable to work on the streets, avenues and alleys of said town, or pay such street tax in lieu thereof as may be prescribed by ordinance enacted by said corporate authorities ; but no such person shall be required to work on the streets, avenues and alleys of said town more than ten days in any one year, and all persons residing within the corporate limits of said town and liable to work on the streets therein, shall be exempt from road duty outside of said corporate limits.

Collection of taxes.

SEC. 20. Be it further enacted, That full power and authority are hereby given to the corporate authorities of said town to establish such rules and regulations, not inconsistent with the provisions of this act, for the assessment and collection of the taxes authorized by this act as they may deem expedient, and to provide and employ all lawful means and proceedings to enforce and collect the same, and to impose such fines and penalties, not inconsistent with this act, for violation of their ordinances in reference to taxes and revenues of said town as they may deem requisite and proper; and for any mistake, fraud or other deficit in the assessment and levy of taxes, said corporate authorities may, if they deem it necessary and expedient, set aside such assessment and levy in whole or part, according to the

circumstances, and direct a new assessment and levy, in whole or in part, as the case may require.

Lien for taxes.

SEC. 21. Be it further enacted, That all taxes assessed or levied in pursuance of authority conferred by this act, sha1l have the force and effect of a judgment and execution at law, and shall constitute a lien on the property assessed and all other property within the corporate limits of said town of the party against whom the same are assessed and levied, and such lien shall have a priority over all other liens except the liens for state and county taxes; and the person appointed to collect such taxes must, on failure of the party to pay the same, proceed to collect the same by levy and sale of the property of the person to whom assessed, or if assessed to an unknown owner, by the sale of the property. All such sales of property for the payment of taxes must be by public outcry to the highest bidder, and must be after thirty days notice by publication in some newspaper published in said town, by posting notice at two public places in said town. The person appointed to collect such taxes shall make such sale under such rules and regulations as the corporate authorities may prescribe ; but in case of sale of real estate for taxes, it more than one lot is assessed to the same person, the smallest lot shall be sold first unless such owner, in writing, requests the larger lot sold first, and no more shall be sold than enough to pay the taxes and costs due from such person ; Provided, that less than one whole lot shall not be sold ; and whenever a lot is sold for taxes, and more is bid for it than the taxes and costs due from the owner amounts to, such overplus shall be turned over to such owner if known, if unknown it shall be disposed of as the mayor and council may direct, subject to the order of the owner when ascertained. The officer making the sale shall give to the purchaser of the real estate so sold a certificate of purchase in such form as the corporate authorities may prescribe, which certificate shall be prima facie evidence of the regularity of all previous proceedings, and of all the facts recited therein, and also that all the requirements of the law in reference to levy and assessment of taxes and the sale of the property have been complied with; Provided, however, that any real estate sold for the payment of taxes under this act may

Tax sales.

Right to redeem.

be redeemed by the owner thereof, or his agent or attorney, or by any person having a beneficial interest therein, or a valid lien thereon, at anytime within two years from the date of the sale on the payment of the amount for which such property was sold, with interest at the rate of ten per centum per annum, and all taxes which may have accrued; Provided, infants, lunatics, and married women shall be allowed one year after the removal of their respective disabilities, in which to make such redemption, and upon such payment being made, or the amount thereof being deposited with the mayor of said town within the period allowed for redemption, the purchaser of such real estate shall surrender to the person making the redemption, and making such payment or deposit, his agent or attorney, the certificate of purchase, and the same shall of canceled, and the mayor of said town shall give to such original owner, his agent or attorney, or to the person making the redemption, his agent or attorney, a certificate certifying the fact of such redemption, and thereafter the title created by such sale certificate shall cease, and the purchaser or any person claiming under him shall relinquish possession, and on failure to do so shall be liable for unlawful detainer.

Tax deeds.

SEC. 22. Be it further enacted, That the mayor of said town shall record in a well bound book, kept for that purpose and called “record of sales,” all sales of land made for the payment of taxes due said town; and upon the expiration of the time allowed for the redemption of such land sold for taxes, it not redeemed, shall, upon the presentation of the certificate of purchase and the payment of a fee of one dollar, execute substantially, in the form required under the general laws of the state for tax deeds, a deed to the purchaser or his assignee for the same, and such deed shall have the same force and effect as the tax deeds have under the general laws of the state; and when any lands so sold for taxes shall be redeemed as in this act; Provided that the mayor shall make an entry showing such fact in said book, and shall cancel the certificate of purchase given the purchaser for the same; he shall also record in said book all sales of lands made under execution from any court by these corporate authorities, and also the condemnation of all lands condemned, as in this

act provided for the public use of said town, and the proceedings of condemnation. Impeachments.

SEC. 23. Be it further enacted, That any councilman of said town may be impeached and removed from office for any of the causes in section 1, article 7 of the constitution of Alabama, before the mayor and remaining councilmen sitting as a court, upon the complaint of any two or more citizens of said town entitled, under this act, to vote at any election of officers in said town. Such complaint shall state clearly the grounds for impeachment, and shall be sworn to by at least one of the complainants and filed with the mayor. Upon the filing of such complaint, the mayor shall issue a notice or summons to the councilman against whom complaint is made, to appear before the mayor and councilmen at a time specified in such notice or summons to answer said complaint. Such notice or summons shall be accompanied by a copy of the complaint, and shall be served by the marshal, by giving the defendant a copy at least five days before the time set for hearing: the same. He shall also notify the other councilmen to appear at said time for the purpose of hearing the complaint, which notice shall also be served by the marshal at least two days before the time set for hearing the complaint. He shall also issue subpoenas for witnesses for either party, which shall be served by the marshal, and the mayor and remaining councilmen shall at such time proceed to hear and determine the truth of said complaint, unless for good and sufficient cause the same is continued to another time, and if upon such investigation they are satisfied of the truth of the complaint, they shall remove such councilman from office, a majority of the court concurring, and proceed to fill the vacancy thus caused as hereinbefore directed.

SECTION 24. Be it further enacted, That from and after the passage of this act, the incorporation of said town under the general laws of this state, shall be and the same is hereby annulled and held for naught; Provided, that the present intendent and councilmen of said town shall continue in office as mayor and councilmen until the first biennial is held under this charter, to-wit: the Saturday after the first Monday in January, 1893, and until their successors are elected and quali- Term of present officers.

fied, and they are authorized and empowered to do any and all acts necessary to carry into full force and effect all provisions of this act.

SEC. 25. Be it further enacted, That all ordinances, by-laws and regulations of said town now in force, so far as the same are not inconsistent or contrary to the provisions of this act, shall have the same force and effect as if enacted and promulgated under this charter.

SEC. 26. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved December 10,1892.

No. 36.] AN ACT [s . 121

To provide for the assessment and collection of taxes in the county of Tallapoosa, for the years 1893, 1894, 1895 and 1896.

Tax district.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Tallapoosa county is hereby created into a separate taxing district, in which state taxes and the taxes imposed by this act, to provide the means of local government therein, shall be assessed and collected as herein provided.

Commissioner.

SEC. 2. Be it further enacted, That James A. Germany shall be the tax commissioner for Tallapoosa county to assess and collect the taxes to be assessed and collected under the provisions of this act for state and county purposes in said county, for the years 1893, 1894, 1895 and 1896.

Oath and bond.

SEC. 3. Be it further enacted, That said commissioner, before entering upon the discharge of his duty, shall take and subscribe the official oath prescribed by the constitution, and shall enter into bond with good and sufficient sureties, payable to the state of Alabama, in such penalty as the governor may appoint, with condition for the faithful performance of his duties, which said bond shall be approved by the governor, recorded in the office of secretary of state, and filed in the office of the auditor, and shall be obligatory on the principal and sureties therein for the breach of the condition

thereof during the time the principal continues in office, or discharges any of the duties thereof; and the governor may from time to time, whenever he deems it expedient, require such commissioner to make and execute additional bond or bonds. Upon any of said bonds the state, pr any person who may be injured by the failure of such commissioner to perform the duties required of him by law, or by improper or neglectful performance of such duty, may maintain suits in law or in equity, and a single recovery shall not discharge said bond or bonds, but from time to time proceedings may be instituted thereon until the penalty shall be satisfied.

Duties of commissioner.

SEC. 4. Be it further enacted, That it shall be the duty of said commissioner in and for the district for which he is appointed, to assess the state taxes for the years 1893, 1894, 1895 and 1896, in the same manner and under the same regulations in and under which the county assessors of taxes are required by law to assess state taxes, and all laws applying to assessors shall be applied to said commissioner, and the commissioner shall have all the powers and authority, general or special, which are conferred upon the assessor of taxes. When such assessment is completed it shall be the duty of said commissioner to file the same in the office of the judge of probate of the county, and after giving thirty days notice, the judge of probate and any two of the county commissioners shall, in the presence of the commissioner, examine the said assessment and correct any errors that may be found therein; and upon the complaint of any tax payer, shall enquire into and correct any injustice which may have been done him in such assessment. When such assessment shall have been so examined and corrected, the said commissioner shall note such corrections therein, and the same shall be certified to by him and by said judge of probate. Thereafter the said commissioner shall proceed to collect the said taxes so assessed in the mode and manner and under the same regulations and restrictions in and under which the tax collectors are required to collect state taxes.

levy of taxes

SEC. 5. Be it further enacted, That the said commissioner shall levy and collect a tax of one-half of one per centum on the value of all taxable property assessed

for taxes to the state to pay the current expenses of the county for the year, and he shall give to each tax payer a separate receipt for such county tax when the same is paid, and he shall make to the judge of probate of the county on the first day of every month, or within three days thereafter, a report in writing showing the amount of such county taxes collected by him within and during the preceding month, and that amount shall be passed into the county treasury upon the certificate of such probate judge, and the said commissioner shall, on the first day of each month, or within three days thereafter, make a report to the auditor of the amount of state taxes collected by him within and during the preceding month, and the amount of taxes so collected shall be passed into the state treasury upon the certificate of the auditor.

Disposition of taxes.

SEC. 6. Be it further enacted, That the said commissioner must attend some convenient place in each election precinct in the county, after having given thirty days notice of the time and place, for the purpose of receiving taxes. The said notice may be given by advertisement in some newspaper published in the county for three successive weeks, or by posting bills at three or more public places in each precinct; and until after such notice has been given, and the said commissioner has attended at the time and place appointed, no tax payer shall be regarded as delinquent.

Appointments.

SEC. 7. Be it further enacted, That after said commissioner shall have attended each election precinct, as provided for in the preceding section, all tax payers remaining in default in the payment of the taxes, which the said commissioner is hereby authorized to receive and collect, shall be regarded as delinquent, and the said commissioner shall have full power and authority to proceed in the collection of said taxes, as tax collectors are authorized to proceed under the laws of this state, and lay levy upon and sell personal or real property for the payment of such taxes, and the cost and expenses of such sale, in the same mode and manner in which the tax collectors are authorized to proceed to levy and sell.

Delinquents.

Sales.

SEC. 8. Be it further enacted, That the power of the court of county commissioners to levy taxes for the current expenses of said county for the years 1893,

Power to levy taxes.

1894, 1895 and 1896, is hereby taken away and divested, and no power to levy such taxes shall be exercised otherwise than is herein provided; and the taxes levied in accordance with the provisions of this act for the current expenses of said county shall not be appropriated to any other purpose than to the payment of such expenses as current expenses, pay debts before contracted for ordinary county expenses, and compromise of outstanding bonded indebtedness, if said bonded indebtedness can be compromised at less than nineteen cents on the dollar. That there shall be no assessment of taxes for state purposes in said county for the years 1893, 1894,1895 and 1896, by any other person than the said commissioner, in accordance with the provisions of this act.

Compensation.

SEC. 9. Be it further enacted, That the compensation of said commissioner shall be five per centum on the aggregate amount of taxes assessed and collected and received by him. which said compensation shall be allowed on his final settlement with the state auditor and county treasurer in the ratio of the respective tax rate for the state and county; but in no event shall such compensation for the collection of taxes of any year, state and county, or for the assessment, levy and collection of taxes, state and county, for any one year exceed in the county of Tallapoosa one thousand and two hundred dollars.

Power of governor.

SEC. 10. Be it further enacted, That the governor, shall have power at pleasure to remove said commissioner, and by appointment fill the vacancy caused by such removal.

Poll tax.

SEC. 11. Be it further enacted, That it shall be the duty of said commissioner to assess and collect the poll tax, and to pay over such tax as tax assessors and collectors are required to assess and collect and pay over the same.

Acts not void

SEC. 12. Be it further enacted. That this act shall not void or defeat any acts enacted during this session of the General Assembly of Alabama in relation to said county hereinbefore mentioned.

Act not repealed.

SEC. 13. Be it further enacted. That nothing whatever in this act shall be so construed as to alter or repeal any part or provision of an act to provide for the settlement of the indebtedness of the counties of Cham-

bers, Lee, Pickens, Randolph and Tallapoosa to the state of Alabama, approved February 11,1889, but it is. hereby expressly declared that said act shall remain in full force and effect.

Mileage.etc. SEC. 14. Be it further enacted, That the commissioner shall receive ten cents per mile in going to and returning from the seat of government for the purpose of making returns and paying the taxes, once in each year, the distance to be the same as that established by law for members of the legislature; the commissioner shall also be allowed the actual cost of transmitting his monthly collections to the treasury, the same to be paid out of the state treasury, and credited to the commissioner upon his making his annual settlement with the auditor.

Approved Dec. 12th, 1892.

No. 37.] AN ACT [H. B. 167

To legalize the assessment of taxes in Winston county, Alabama.

Whereas, on the night of the 5th of August, 1891, all the assessment lists and tax books of Winston couny, Alabama, were destroyed by fire, and

Whereas, the tax assessor of said county made a re-assessment of the taxes in every respect, complying with the requirements of the statutes of the state of Alabama, except as to the time when assessment of taxes must, under the statutes, be completed. Therefore

Re-assessment legal. SECTION 1. Be it enacted by the General Assembly of Alabama, That the re-assessment of the taxes of Winston county, Alabama, made by J. P. Gibson, tax assessor of said county, on account of the burning of the assessment lists and tax books of said county, is hereby legalized and made as binding in law as if it had been made within the time specified by law.

Approved December 10th, 1892.

No. 38.] AN ACT [H. B. 198

To amend an act entitled an act to amend section 1399 of the Code of 1886, approved February 27, 1889.

Terms of service.

SECTION 1. Be it enacted by the General Assembly of Alabama, That said act be amended so as to read as follows: Apportioners and overseers must not serve longer than two years from the day of appointment, and if said term of two years is served out, they shall be entitled to a certificate of exemption for the next two years, and if any person be appointed to serve out the unexpired term of any apportioner or overseer, such person so appointed shall, at the expiration of the term for which he has been appointed, be entitled to a certificate of exemption from road service for the length of time next after such term expires, that such person has served.

Approved December 10, 1892.

No. 39.] AN ACT [H. B. 256

To amend subdivision 6, article 1, section 629 of the Code.

Distilling.

SECTION 1. Be it enacted by the General Assembly of Alabama, That subdivision 6 of article 1, section 629 of the Code be and the same is hereby amended so that the same shall read as follows: Subdivision 6. For distillers of spiritous liquors, twenty-five dollars; but this shall not apply to the distilling of fruit.

Approved Dec. 10, 1892.

No. 40.] AN ACT [H. B. 126

To prevent the tying or staking of stock on the public roads and highways of Montgomery, Lowndes, Dallas, Autauga and Wilcox counties.

SECTION 1. Be it enacted by the General Assembly of
Stock on road. Alabama, That it shall be unlawful for any person or persons to tie or stake out horses, cattle, hogs or stock of any kind on or alongside of any public road or highway in Montgomery, Lowndes, Dallas, Autauga and Wilcox counties.

SEC. 2. Be it further enacted, That any person or persons who violate the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction must be fined not less than one dollar nor more than fifty dollars.

Approved December 10, 1892.

No. 41.] AN ACT [H. B. 140

To repeal an act entitled an act to authorize the mayor and city council of Anniston to issue bonds of said city for amount not exceeding fifty thousand dollars for the purpose of purchasing land and erecting and equipping school buildings thereon, approved February 6,1891.

SECTION 1. Be it enacted by the General Assembly of
Act repealed Alabama, That an act entitled an act to authorize the mayor and city council of Anniston to issue bonds of said city for an amount not exceeding fifty thousand dollars, for the purpose of purchasing land and erecting school buildings thereon, approved February 6, 1891, be and the same is hereby in all things and respects repealed.

Approved December 10, 1892.

No. 42.] AN ACT [H. B. 223

To repeal an act approved February 28, 1887, entitled an act for the protection of the traveling public against accidents caused by color blindness and defective vision.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act for the protection of the traveling public against accidents caused by color blindness and defective vision, approved February 28, 1887, be and the same is hereby repealed.

Approved December 10, 1892.

No. 43.] AN ACT [H. B. 97

To authorize the several constables of Montgomery county to appoint deputies.

Deputy constables.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the several constables of Montgomery county be and are hereby authorized to appoint one, nor more than two each deputies, who shall have within their respective beats all the power and authority now given by law to the constables; but each deputy thus appointed shall first give bond, in the same manner as now required by law of constables, for the faithful discharge of all duties which are or may be by law required of him as such deputy, during the time he continues in office or discharges any of the duties thereof.

When justice may appoint

SEC. 2. Be it further enacted, That no justice of the peace in said county shall appoint any special constable to execute any writ or process issuing from his court, unless the parties suing out the same shall make affidavit that no constable or deputy can be obtained to execute such process or writ, and that unless such constable is appointed, there is danger of the process or writ not being executed in time.

SEC. 3. Be it further enacted, That all laws or parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

Approved December 12, 1892.

No. 44.] AN ACT [H. B. 362

Providing for the partition of lands acquired by the state of Alabama, from the United States, under the contract with John A. Caldwell.

Governor to Make partition

SECTION 1. Be it enacted by the General Assembly of Alabama, That the governor be authorized to make partition between the state of Alabama and John A. Caldwell, his representatives or assigns, upon the request of said Caldwell, his representatives or assigns, according to the terms of the contract between the state and said Caldwell, of all the lands recovered from the United States by said Caldwell, as agent of the state of Alabama, for the recovery of which he has not already been compensated, such partition to be made upon a fair and equitable basis to be agreed upon by the governor and said Caldwell.

State geologist to assist

SEC. 2. Be it further enacted. That the governor be authorized to designate the state geologist, or in case of his inability to act, some other competent person to advise and assist him in making such partition, and the governor is authorized to allow a reasonable compensation for such service, to be paid pro rata by the state and said Caldwell; the proportion of the state to be paid out of the fund arising from the sale of the lands so apportioned to the state upon such partition.

Deeds.

SEC. 3. Be it further enacted, That the governor be authorized, upon his approval of such agreement for partition, to make deeds to said Caldwell, his representatives or assigns, for the lands so apportioned to said Caldwell.

Approved December 12,1892.

No. 45.] AN ACT [H. B. 245

To better provide for the indigent poor people of Clarke county.

Buildings.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Clarke county shall have erected on the present site of

the poor house of said county, or at such other place as it may deem best, a poor house for said county, of such size as is sufficient to accommodate the indigent poor people of said county. Said buildings shall contain separate apartments for white and black paupers, and for male and female inmates. A residence for the steward of said poor house shall be erected by the said court on the site of the other buildings, and the said steward shall reside on the premises.

Rules.

SEC. 2. Be it further enacted, That the said court shall adopt such rules and regulations for the government, management and control of said poor house as it may see proper, and it shall be the duty of said court to make such institution self sustaining, if possible, by requiring such of the inmates to labor as are physically able to do so. The court shall supply the inmates with such religious literature as is suited to their religious inclinations, and to encourage religious devotion among said inmates.

Steward.

SEC. 3. Be it further enacted, That said court shall employ a steward for said poor house, and said steward, before entering on his duties, shall give bond with good and sufficient security, to be approved by said court, in the sum of one thousand dollars. Said appointee to hold office for the term of four years, unless removed, for cause, by said court.

Letting.

SEC. 4. Be it further enacted, That said court shall let said poor house in such manner as it may deem for the best interests of the poor and of the county, at a salary of not exceeding ten dollars per month per capita, payable on the last day of each month, and this shall include board, clothing, medicine, medical attention and general support-

Sale.

SEC. 5. Be it further enacted, That the said court is hereby authorized to sell the present poor house buildings and lands adjacent thereto, and to purchase another site for said poor house, if it deem best to do so.

Support.

SEC. 6. Be it further enacted, That said court is hereby prohibited from making any appropriation, or from drawing any warrant on the treasury against any fund of said county for the support of any pauper who is not a bona fide inmate of said poor house.

Duty of court.

SEC. 7. Be it further enacted, That the said court shall be required to visit and inspect said poor house,

and to enquire of its inmates as to their treatment, at every regular term of said court, and said court shall see that this law is rigidly enforced ; and failing so to do, each member thereof shall be guilty of a misdemeanor, and on convictirn shall be fined not less than ten dollars nor more than fifty dollars.

SEC. 8. Be it further enacted, That any steward vio-
Steward. lating the provisions of this act, or violating any regulation prescribed by said court, shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty dollars nor more than five hundred dollars.

SEC. 9. Be it further enacted, That the circuit judge be required to give this act in special charge to the grand jury.

SEC. 10. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved December 12, 1892.

No. 46.] AN ACT [H. B. 261

To amend sections two and eleven of an act entitled an act to incorporate the town of Springville, with the boundaries hereinafter designated, and to establish a new charter for said town, approved February 16, 1891.

SECTION 1. Be it enacted by the General Assembly of
Corporate Alabama, That sections two and eleven of an act en-
limits. titled an act to incorporate the town of Springville, with the boundaries hereinafter designated, and to establish a new charter for said town, approved February 16, 1891, be and the same is hereby amended so as to read as follows: Section 2. Be it further enacted, That the corporate limits of said town of Springville shall hereafter be as follows: Commencing at the south east corner of the south east quarter of the north east quarter section 31, T. 14, R. 2 E., on top of the little iron ore ridge, southeast of the Alabama Great Southern Railroad. Thence southwest along the top of said ridge to where the subdivision line (running east and west) divides the south half of said section 31.

Thence west along said subdivision line to the south west corner of the north west quarter of the south west, quarter of said section. Thence north along the line of said section to the north west corner of said section. Thence east along the line of said section to the north east corner of said section. Thence south along the line of said section to the place of beginning; also west half of the north west quarter of section 32, T. 14, R. 2, E. And said corporate limits may be contracted by the corporate authorities of said town by an ordinance duly made. and entered upon the minutes of the proceedings of the corporate authorities, hereinafter provided for. The corporate authorities of said town may divide the said town into five wards, and alter or change the same as the authorities see proper; said alterations and changes being always made so as to apportion representatives as near as may be to the population. Section 11. Be it further enacted, That the mayor and aldermen of said town shall have full and complete powers: 1. To mike and adopt by-laws and ordinances in whatever manner and upon whatever subject to carry out the powers herein granted, and for the good government and order of said town, as they may think proper, and generally and in addition to the powers herein specifically enumerated, which are no limitation upon the power included in this general grant of powers, to ordain and pass such ordinances and by-laws not, inconsistent with the laws of this state, as shall be needful for the government, police interest, welfare and good order of said town, and to affix thereto such penalties for the violation of the same by fine not exceeding one hundred dollars and by imprisonment or hard labor for the town, not exceeding thirty days; and all persons convicted of any breach of the by-laws or ordinances of said town. failing to pay or secure such fine may be imprisoned for such failure, or placed at hard labor for the town until such fine and costs are paid, in such manner as the board may direct, not longer than thirty days; Provided, that any person shall have the right to give a stay bond with two good and sufficient sureties, to be approved by the mayor, to pay such fine and costs within thirty days from judgment imposing the same, but if after such bond and security such fine and costs be not paid in thirty days, execution to collect

Wards.

Powers.

Powers. the same may be issued against the obligors in said bond. The board may pass all needful laws to compel persons to work on the streets or elsewhere in the town, who refuse to work when under the mayor's sentence for violating any town ordinance; but no female must be punished by subjecting her to work on the streets. 2. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into said town, and to preserve the health thereof; to establish and regulate quarantine in said town, and within five miles thereof, and punish any breach of quarantine law. 3. To prevent and remove all nuisances at the expense of the person causing the same, or on whose premises the same may be found; to remove all decayed and dilapidated houses and structures calculated to produce disease, or dangerous or unfit for habitation, at the expense of owner of the same, when they refuse upon reasonable notice to remove or renovate and repair such houses or structures. 4. To establish, set up and regulate hospitals, work houses and houses of correction. 5. To license, tax, regulate or restrain theatrical and other amusements. 6. To restrain or prohibit gambling, gaming houses, houses of ill fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize fighting, cock fighting and anything else hurtful to the good order and morals of society, and all misdemeanors, and all gambling implements and devices of any kind shall be subject to seizure and forfeiture under such lawful rules and regulations as the board may prescribe, when said implements and devices are brought to Springville or made or kept or found there, to be used for gaming purposes. 7. To appoint and regulate day and night watchmen, police patrol and captain thereof. 8. To divide the town into wards and to regulate and change the same. 9. To establish, regulate and control markets, market houses, and to pass by-laws for the sale of meats, vegetables and other like articles within certain places and within certain hours. 10. To sink, regulate and repair public wells and cisterns; to establish and regulate fire-plugs and public hydrants, and to make all needful provisions to supply the town with water, gas and gas lights and electric lights, and to control street lamps. 11. To open, locate and repair, and regu-

late and establish alleys and streets, and to change, alter, abolish and vacate them, or any part or parts thereof; to establish avenues, pavements, sidewalks, and curb and grade them and regulate the same, and to make all the sanitary by-laws respecting the use of the streets. 12. To establish and build drains and sewers, aqueducts and reservoirs, and to regulate the same, and to compel owners of lots or real property to drain the same and ditch it at the expense of the owner, and to drain and ditch the same when the owner fails or refuses, after five days notice, to drain and ditch it, and tax expense of said ditching and draining against the property ditched and drained, which tax shall have the lien of and be enforced and collected like other taxes. The board may extend drains and sewers beyond the town limits when necessary. 13. To establish, lay out, regulate and locate public parks. 14. To establish and regulate or change fire limits within said town, and to pass all laws necessary for the protection of said town against fire, and for this purpose may remove any wooden building or structure, paying the owner a reasonable price therefor. To require all owners of theatres, opera houses and all other houses with fire escapes and suitable exits. 15. To lay out, regulate and control town cemetery burial grounds, and to sell burial lots therein. 16. To prevent the running at large on the streets of all dogs, cows, hogs, horses or other animals, and to pass all laws in the judgment of the board necessary for the sale and impounding of said animals on proper notice to the owners thereof. 17. To regulate and control running of cars on or across streets, avenues or alleys of said town, and to control the speed of such cars and locomotives in said town. 18. To pass all necessary and proper laws for the arrest with or without a warrant, of all offenders against the town ordinances or state laws, and to confine such persons until tried, convicted or discharged by law. 19. To pass all laws and ordinances in relation to auctioneers plying their vocation on the streets, and to prohibit or regulate pawnbrokers. 20. To make and ordain all necessary laws concerning idlers, tramps, paupers, prostitutes, gamblers, disorderly or vicious persons in prohibiting or restraining their vicious habits, and to compel such persons to give bond and security to be ap

Powers.

Powers. proved by the mayor, for their good behaviour for a reasonable time, or upon their failure or refusal to give such bond or security, for their condemnation, to be sentenced to hard labor for the town for a limited time, not exceeding thirty days. 21. To punish all persons who obstruct the marshal, or other officer, in the arrest of any person in said town, or in the lawful discharge of any duty in said town; and to punish all persons who, when called upon to aid in arresting any person, fail or refuse to give such aid. 22. Said board may establish necessary inspection, fix and regulate the assize of bread, and provide for the weighing and measuring of all kinds of produce for man or beast, and regulate the same. 23. To regulate and control the manner of building partition walls and fences, to regulate the keeping and storage of guns, powder or other dangerous material, guano or other commercial fertilizer, within said town ; to regulate and control the sweeping of chimneys, the use of lights, stovepipes and flues in all shops, stores, kitchens and other places; to cause the removal or pulling down of houses to prevent the spreading of fire, and to extinguish the same. 24. To require property owners to keep sidewalks in front of their property in good order, and to pave the same when the board shall order; to repair, keep in good order and pave sidewalks in front of such property whose owners shall, after being so ordered, rail or refuse to repair, keep in good order or pave said sidewalks for five days after notice, and to tax the same against such property, which tax shall have the lien of and be enforced and collected as other taxes. 25. To exercise the power of eminent domain and condemn private property for streets, alleys, drains, sewers, public parks and squares, to supply the town with pure water, and for all other public municipal purposes proper, on making just compensation to owners of lands condemned; and the general laws of the state applicable to ad quod damnum suits and proceedings shall apply in all such cases. To build drains and sewers and to supply the town with water, the corporate authorities may exercise the eminent domain powers as aforesaid outside of the town limits when necessary. 26. To have and exercise full police power in said town to prevent crime, and arrest offenders, to protect the rights of persons

and property, to preserve the public peace, and for the purpose may command the aid and assistance of the sheriff of St. Clair county, and all voluntary military companies in said town, whenever the mayor or the board may deem the same necessary. 27. To grant the right of way through the streets, avenues and squares of said town, for the purpose of street or other railroads, telephones, telegraph or electric light companies, and for laying pipes of gas and water companies. 28. To punish injuries to streets, sidewalks and trees, and to private and town property. 29. The corporate authorities of said town shall have no power or authority to license or in any way authorize the sale, exchange, gift or other disposition of spirituous, vinous or malt liquors, intoxicating bitters or beverages within the corporate limits of said town.

Liquor prohibition.

Approved December 12, 1892.

No. 47.] AN ACT [H. B. 116

To repeal an act entitled an act to change the mode of paying the judge of probate in the county of Lowndes.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to change the mode of paying the judge of probate in the county of Lowndes, approved 23d February, 1889, be and the same is hereby repealed.

Act repealed.

Approved December 12, 1892.

No. 48.] AN ACT [H. B. 115

To repeal an act entitled an act to dispose of the fees, commissions and allowances or salary allowed by law to the judge of probate in the county of Lowndes.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to dispose of the fees, commissions and allowances or salary allowed by law to the judge of probate in the county of Lowndes,

Act repealed

approved the 23d February, 1889, be and the same is hereby repealed.

Approved December 12, 1893.

No. 49.] AN ACT [H. B. 112

To confer additional rights, powers and franchises on the Sloss Iron and Steel Company, a private corporation.

Additional powers.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in addition to the powers which the Sloss Iron and Steel Company, a private corporation existing under the laws of this state, now possesses, the said company is hereby authorized to subscribe for or take stock or bonds in any barge line, steel plant or corporation for transportation or manufacturing, and to make such other contracts and agreements with corporations owning and operating lines of transportation, or to purchase or lease and operate the same, as may be necessary or convenient in the transaction of its business.

Increase of capital.

SEC. 2. Be it further enacted, That said corporation may increase its capital stock or bonded indebtedness to such sum as the stockholders may, from time to time, determine and deem expedient; Provided, that such increase of capital stock and bonded indebtedness shall be made pursuant to the general laws on that subject; but said capital stock shall not exceed the amount of capital stock provided for by the laws of this state; Provided further, that the bonded indebtedness shall not exceed the amount of capital stock fully paid.

Preferred stock.

SEC. 3. Be it further enacted, That the said company may issue any part of any increase of its capital stock as preferred stock, with the consent of the owners of two-thirds in value of the stock of the said company, expressed by their vote at a meeting of the stockholders called for that purpose, of which meeting and the purpose of its being called, thirty days notice must be given by publication for four consecutive weeks in some newspaper published in the city of Birmingham,

Alabama, and if such consent is so given, the proceedings of the meeting must be reduced to writing, signed by the president or chief executive officer of the corporation, and attested by the seal of the corporation, and filed and recorded in the office of the secretary of state.

SEC. 4. Be it further enacted, The powers herein conferred are subject to any charter tax that may be required by any law passed at this session of the legislature of Alabama.

Approved December 12, 1892.

No. 50.] AN ACT [H. B. 136

To authorize the mayor and city council of Anniston to issue certain bonds of said city to the amount of fifty-five thousand dollars for the purpose of paying the floating debt of the city ; for the purchase of land and erection and equipment of school buildings thereon, and other purposes for the benefit of the city.

Bonds.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the mayor and city council of Anniston be and they are hereby authorized to issue, in their corporate capacity, negotiable coupon bonds of the city of Anniston, to the amount of fifty-five thousand dollars, in addition to bonds issued under acts approved February 14th, 1887, and February 23d, 1889, maturing and becoming due and payable in gold of present standard weight and fineness, twenty years after date of issuance, and bearing interest at a rate not exceeding six per centum per annum, payable semi-annually. The said bonds shall be of such denomination, each not less than one hundred nor more than one thousand dollars, as may be fixed by the mayor and city council of Anniston, and the principal shall be payable at New York, and the interest shall be payable in Anniston or in the city of New York, at the option of the holder, and the coupons on said bonds shall be receivable for taxes and licenses due the city of Anniston.

SEC. 2. Be it further enacted. That the mayor and
Sale of bonds city council of Anniston shall have authority to sell said bonds described in section one of this act, or any part thereof, at any time subsequent to the passage of this act, but no sale shall net the city of Anniston less than the par value of said bonds. The proceeds of the sale of said bonds shall be applied, first, to the payment of the floating debt of the said city as the same shall exist on January 1st, 1893; but not more than thirty thousand dollars shall be used for such purpose; second, to the purchase of a cemetery at a cost of not more than five thousand dollars, if such a purchase shall be determined upon by said mayor and city council of Anniston by ordinance within six months from the date of the sale of said bonds; and the remainder of the proceeds of said bonds shall be applied exclusively to the purchase of land tor school purposes, and the improvement thereof, and the erection thereon and the equipment of one or more school buildings, said remainder to be so disbursed to be at the call and under the supervision of the board of education of Anniston.

Approved December 12th, 1892.

No. 51.] AN ACT [H. B. 200

To amend section 4620 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 4620 of the Code be and the same is hereby amended so as to read as follows:

4620 (4508). Commencement of subsequent imprison-
Convicts; costs. ment on two or more convictions. When a convict is sentenced to imprisonment in the penitentiary on two or more convictions, the imprisonment on the second, and on each subsequent conviction, must commence at the expiration of the imprisonment on the preceding conviction ; Provided, that the cost of a second or subsequent conviction shall only be paid by the state on the commencement of the imprisonment on such conviction.

Approved Dec. 12, 1892.

No. 52.] AN ACT [s. 48

To amend section two of an act to grant certain rights-of-way to the Montgomery and Sylacauga Railroad Company, approved February llth, 1891.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section two (2) of an act entitled an act to grant certain rights-of-way to the Montgomery and Sylacauga Railroad Company, approved February llth, 1891, be so amended as to read as follows: Section 2. Be it further enacted, That said railroad company, its successors and assigns, may acquire by purchase, donation or condemnation or ad quod damnum proceedings under the general laws of the state, the necessary right of way over or across public roads and over, across and along streets and alleys in unincorporated villages and town sites, and said railroad company and it successors and assigns are hereby authorized and empowered to secure from the municipal authorities of any incorporated village, town or city, and from the boards of revenue and courts of county commissioners of counties, the necessary rights of way over, across and along streets and alleys within the limits of the same, and public roads within the counties, and all grants of rights of way heretofore made to said railroad company, and its successors and assigns, by any incorporated village, town or city, or by any county, are hereby, in all respects, ratified and confirmed. Act amended Right of way.

Approved December 12, 1892.

No. 53.] AN ACT [s. 41

To amend section three thousand and seven of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section three thousand and seven of the Code of Alabama be and the same is hereby amended so as to read as follows: 3007 (3343). Burden of proof on plaintiff in execution; damages for delay. Upon the trial of the issue the burden of proof is on the Burden of proof.

plaintiff in execution; and if the jury subject the property to the payment of the execution, they must, as far as practicable, assess the value of each article separately at the time of the interposition of the claim, and compute interest from such time, to the trial; and if it be shown on the trial that the claim was interposed for delay, they must also assess such damages as the plaintiff may be entitled to, not less than ten per cent. on the value of the property so ascertained.

Damages.

SEC. 6. Be it further enacted, That said section three thousand and seven of the Code of Alabama, as it now stands, the same is hereby repealed.

Approved Dec. 12, 1892.

No. 54.] AN ACT [s. 67

To require solicitors to attend court, and forfeiture for absence from it.

SECTION 1. Be it enacted by the General Assembly of Alabama, That if any solicitor, who is paid a salary by the state of Alabama, fails or neglects to attend any term of the court for which he is solicitor, or after attending absents himself before his duties are disposed of, he forfeits the sum of twenty-five dollars for each and every day he is thus absent or fails to attend, to be deducted by the auditor from his salary; the absence or failure of such solicitor to be certified to the auditor by the clerk of the court within ten days after the term, under a penalty of one hundred dollars, to be recovered in the name of the state on two days notice.

Penalty for absence.

SEC. 2. Be it further enacted, That the deduction provided in the preceding section must not be made if the solicitor make and file with the clerk, within ten days after the term from which he is absent, an affidavit that such failure to attend or absence was on account of sickness of himself or family, or inevitable accident, or of an epidemic or contagious disease, or well grounded apprehension thereof.

Excuse.

SEC. 3. Be it further enacted, That nothing in this act shall be construed to prevent the courts from appointing a solicitor pro tern in the absence of the solicitor.

Solicitor pro-tem.

Approved December 12, 1892.

No. 55.] AN ACT [s. 151

To repeal an act entitled an act to prohibit the sale, giving away or disposing of any spirituous, vinous or malt liquors, or intoxicating bitters, beverages or drinks, or fruit preserved in alcohol or alcoholic liquors within the limits of the town of Leighton, in Lawrence and Colbert counties; or within four miles thereof, and other places therein named, approved February 28th, 1887, so far as the same relates to the town of Leighton in Lawrence and Colbert counties ; or within four miles thereof.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to prohibit the sale, giving away, or disposing of any spirituous, vinous or malt liquors, or intoxicating bitters, beverages or drinks, or fruit preserved in alcohol or alcoholic liquors within the town of Leighton in Lawrence and Colbert counties; or within four miles thereof, and other places therein named, approved February 28th, 1887, be and the same is hereby repealed, so far as the same relates to the town of Leighton in Lawrence and Colbert counties ; or within four miles thereof. Act repealed

SEC. 2. Be it further enacted. That this act shall go into effect on and after its approval by the governor.

Approved December 12, 1892.

No. 56.] AN ACT [s. 53

To require the tax collector of Blount county to be present at the court house of this county for not less than five days preceding the first day of January of each year.

SECTION 1.Be it enacted by the General Assembly of Alabama, That the tax collector of Blount county must be present at the court house of his county for at least five days next preceding the first day of January in each year, tor the purpose of collecting the taxes of all persons who may call on him for the purpose of paying their taxes, and failing to do so, he shall forfeit the fee Duty of tax collector.

Penalty. allowed him for making the demand on any tax payer in said county who attended and was disappointed by the non-attendance of the collector at the court house, as provided above.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the above be and the same are hereby repealed.

Approved December 12, 1892.

No. 57.] AN ACT [s. 63

To incorporate the Wilcox County Bank.

SECTION 1. Be it enacted by the General Assembly of Alabama, That R. E. Me Williams, James T. Beck, Sol D. Bloch, L. E. Starr, W. J. Melton, J. N. Stanford, W.
Incorporators. H. Gaines, A. C. Luckie, W. M. Hobdy, J. W. Purifoy, J. P. Spier, D. A. K. McDowell, D. Palmer, W. N. McConnico, J. B. McWilliams, J. H. Jones, Sr., Jno. T. Dale, J. McClenkin, R. Lewis, J. J. E. Watson, John Hall, J. L. Bonner, J. McJones, W. J. Sessions, W. R. Hines, R. B. McNeil, J. F. Sharp, D. J. Fail, Jr., J. D. enkins, W. R. Alford, J. D. Bryant, Jr., Clark Lyles, M. F. Gobb, J. H. Pettway, D. P. Parley, J. H. Young, S. P. Irbey. M. C. Weir, A. F. Wilkinson, D. F. Gaston, Sr., W. L. Fluker, J. H. Bahannon. Geo. C. Wiltze, Jas. Robins, Jr., J. H. Malone, Lee McMillan, A. L. Pope, J. C. Glass, J. T. Dumas, W. F. Fountain, F. F. Kimbrough, Sr., Robt. C. Cowan. B. E. Devan, B. W. Greil, F. F. Kimbrough, Jr, F. E. Croom, W. F. Haddox, F. L. Moore, M. D. Thomason, H, Vandervote, K. A. Mayer, R. C. Southwell, Jas. Robbins, Sr., J. W. Gibson, N. Halleman, Joe Lambeth, R. A. Smith, J. A. Sublette, E. S. Faush, Jr., No. 2, T. B. Faush, W. J. Griffin, W. G. Gordon, G. L. Watson, J. I. Davis, D. S. Watson, Godfrey Lambreth, and their associates, be and are hereby created a corporation under the name and style of the Wilcox County Bank, with all the usual powers and privileges incident to bodies corporate in this state, and such as are hereinafter conferred.

Powers. SEC. 2. Be it further enacted. That said corporation shall have power to purchase, hold, improve, lease, sell

and convey and dispose of property, real or personal, or any interest therein, to make and negotiate loans of money on real or personal property or other securities whatever, as it may deem best, to do a general commission business; to act as agent or broker for resident or non-resident corporations or persons, in or about placing negotiations and obtaining loans of money; and it may act therein for either borrower or lender, or as middle man between said parties; and it may take charges and reserve such reasonable commissions or compensations as may be agreed upon between the said corporation and the party or parties for whom such service shall be rendered.

SEC. 3. Be it further enacted, That said corporation may borrow money and receive money, on deposit. Banking. purchase, hold, sell and dispose of and discount bonds of municipal or private corporations, or individual stocks, notes, bills, mortgages, choses in action, and all other evidences of debt or securities on its own behalf, or as agent, broker or trustee for other corporations or individuals.

SEC. 4. Be it further enacted, That said corporation Deposits. shall be capable of receiving, holding and keeping money, bonds, stocks, bills of exchange, notes, drafts, or other personalty, on general or especial deposit on such terms as may be agreed upon with the depositor, and upon such trusts and uses and for such purposes as may be agreed upon, and may issue therefor receipts or certificates, setting forth the contract of deposit.

SEC. 5. Be it further enacted, That said corporation Office. may establish its main office in Camden, and branch offices in any part of Wilcox county, Alabama, as it shall deem necessary and expedient for its corporate purposes.

SEC. 6. Be it further enacted, Said corporations, may make and enter into all such contracts, arrange- Contracts. ments and agreements, and do and perform all such matters and things as may be deemed necessary and convenient, directly or remotely to promote or carry out the corporate purposes as herein declared.

SEC. 7. Be it further enacted, That the capital stock Capital. of said bank shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, and the same may be increased from time to time, to five

hundred thousand dollars, such increase to be determined by a vote of two-thirds of the capital stock of the bank as represented in person or by proxy, at any regular or special meeting called for that purpose.

When may organize.

SEC. 8. Be it further enacted, That said bank may organize and commence business as soon as twenty-five thousand dollars is subscribed bona fide and paid into the capital of said company.

Directors.

SEC. 9. Be it further enacted, That the corporate power of this company shall be vested in a board of not less than five nor more than fifteen directors, a majority of whom shall constitute a quorum. They shall be elected each year from among the stock holders at the annual meeting, and shall hold office for one year, unless sooner disqualified. The board of directors may create an executive committee of not less than three, whose qualifications and duties shall be defined in the by-laws; any vacancy occurring in the board of directors may be filled by the board, and said board may provide such other officers and their several duties as they shall deem expedient in the by-laws, and fix the salaries.

Voting

SEC. 10. Be it further enacted, In all meetings of stock-holders each share of stock shall be entitled to one vote, and may be represented in person or by proxy duly authorized.

By-laws.

SEC. 11. Be it further enacted, That said bank shall have the power to establish by-laws, providing therein the terms and manner of transfer of stock, the lien of the association upon the stock of the shareholder, for debts due the association, the kind, motive and extent of the obligations of the bank, and all other matters which the stockholders may deem needful for the best interest of the bank.

Limitation.

SEC. 12. Be it further enacted, That at the end of twenty years from its organization, said bank shall cease its operations and close its business, unless extended by act of the legislature of Alabama. The bank incorporated under this act shall not receive directly or indirectly a greater rate of interest than is allowed by law for lending money.

Organizati'n

SEC. 13. Be it further enacted, That upon a call of four or more of the corporators named in this act, the

subscribers shall assemble and proceed to the organization of the Wilcox County Bank.

Approved December 12, 1892.

No. 58.] AN ACT [s. 150

To incorporate the Tuscumbia Loan and Trust Company.

Corporation.

SECTION 1. Be it enacted by the General Assembly of Alabama, That J. T. Kirk, Ed B. Almon and Pearsall Rather, and their associates and successors, be and are hereby constituted and created a body corporate under the name and style of the Tuscumbia Loan and Trust Company; and by said name the corporation may contract and be contracted with, and sue and be sued in all the courts of law and equity, and shall have the right to make and use a common seal, and to alter and change the same at pleasure.

Powers.

SEC. 2. Be it further enacted, That said corporation shall have authority to levy, sell, hold and mortgage, or otherwise dispose of real estate and personal property, and also to buy and sell, hold and own stocks, notes, bills and mortgages of other corporations, and of individuals, either in its own behalf or for its own use, or as trustee or agent for others, and may deal generally in all kinds of personal property.

May aid manufacturing,etc.

SEC. 3. Be it further enacted. That said corporation may and is hereby fully empowered and authorized, and in the exercise of its corporate powers under this charter, to encourage and aid, in any way consistent with the powers herein conferred, individuals or corporations proposing to establish and carry on manufacturing enterprises in or near the city of Tuscumbia in Colbert county. And shall have authority to loan or borrow money in its own behalf and for its own use, or as agent or trustee for others, and to make all contracts necessary and incident thereto. It shall have authority to act as guardian of the estates of infants, as executor or administrator, assignee or trustee, whether appointed by deed, by last will and testament, by any court within this state, or in any manner not inconsist-

ent with law. It may receive and hold in trust, estates real and personal, including notes, bonds, obligations and accounts of estates and individuals, of companies and corporations, private or public, and may in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same in this state or elsewhere. It may act as the agent or attorney in the leasing, conveying and managing real and personal properly, receiving and collecting rents and other moneys. It shall have authority to make bond and become security for non-resident litigants. It shall have a trust department, and all of its business of a fiduciary character shall be kept in a separate and special set of books. It shall have authority to buy, sell and discount notes, accounts, bills of exchange and other evidence of debts.

Officers.

SEC. 4. Be it further enacted. That the officers of said corporation shall consist of a president, secretary and treasurer, and a board of directors to consist of not less than three nor more than five members. That the terms of office and election of officers shall be regulated by the by-laws of the corporation.

Capital.

SEC. 5. Be it further enacted, That the capital stock of said corporation shall be twenty-five thousand dollars, divided into shares of one hundred dollars each, and when the sum of ten thousand dollars shall have been subscribed and paid into the treasury of the company or secured to be paid in a manner which shall be satisfactory to the directors of said company, that the said company may be considered and deemed as fully organized and empowered to do and perform any and all of the acts and powers which are given to it by this act. And that at any time, upon a resolution, may increase the capital stock to such an amount as it may see fit, not to exceed the sum of one hundred and fifty thousand dollars.

Approved December 12, 1892.

No. 59.] AN ACT [s. 142

To establish labor day, and make the same a legal holiday.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the first Monday in September in each year shall be known as labor day, and the same is hereby declared to be a legal holiday within this state. Holiday.

Approved December 12, 1892.

No. 60.] AN ACT [s. 81

To amend section 1582 of the Code of Alabama, relating to the condemnation of crossings and intersections of railroads and street railways.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1582 of the Code of Alabama be amended so as to read as follows:

1582 (1842). Crossings or intersections of other railroads or street railways. The corporation has authority. Crossings. to cross or intersect any railroad or street rail way, and if such crossing or intersection can not be made by contract or agreement with the corporation, association or person having and controlling the railroad or street railway to be crossed, or with which an intersection is to be made, either party may proceed, in accordance with the provisions of Article 2, title 2, chapter 15 of the Code of Alabama, as amended by an act to repeal section 3210 and to amend sections 3211, 3212, 3214, 3215, 3216 and 3217 of the Code, approved February 18th, 1890, and all other laws relating to the condemnation of lands for public uses (the provisions of which are hereby made applicable), to have an assessment and ascertainment of the damages which may accrue to said corporation or person by reason of said crossing or intersection. The notice required by section 3209 may be served on any agent of said railroad corporation in the county where the proceedings are instituted.

Approved December 12, 1892.

No. 61.] AN ACT [s. 32

To amend section 1656 of the Code of 1886.

SECTION 1. Be it enacted by the General Assembly of Company organized. Alabama, That section 1656 of the Code of 1886 be amended so as to read as follows: Upon complying with the above requisitions, the company shall be deemed duly organized under the name adopted in such declaration, and shall have perpetual succession and all the rights, privileges and immunities and liable to all the obligations of a private corporation; Such subscribers, their associates and successors, shall have Powers. full power to fill all subscriptions to the capital stock to the amount named in their declaration, and to the amount of eight hundred thousand dollars, if they file a new declaration to that effect with the secretary of state; to purchase, build, equip, charter, own and sell vessels propelled by steam, or otherwise, to navigate the Gulf of Mexico and other seas between Mobile and the ports in the declaration named, and to purchase, build, equip, charter, own and sell and run such auxiliary vessels as may be necessary; to provide fuel and other necessaries, and to purchase, transport and sell, or control for the sale of, or to transport and sell upon commission any cargo, or part of a cargo, of any article of domestic export or import; to erect, purchase, lease, hold and convey such buildings and real estate as may be necessary to the efficient management of the business of the company. The company may further adopt By-laws. such by-laws for the management of its business, not inconsistent with law, as it may see fit, but no company organized, however, shall have banking privileges, or powers not necessary for managing a line of vessels carrying freight and passengers.

Approved December 13, 1892.

No. 62.] AN ACT [s. 117 .

To prevent banks, bankers, firms, corporations, or other persons from receiving deposits of bank notes, specie money or other thing of value, when in a failing or insolvent condition.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any president, cashier or other offi-, cer, by whatever title he may be called or known, of any bank, banking firm or corporation engaged in a banking business, or any other person or persons, engaged in said business, or the agent or agents thereof, who shall receive for deposit any bank notes, specie money or other thing of value, knowing at the time said deposit is received, or having good cause to believe, that such bank, banking firm, corporation, person or persons, are in a failing or insolvent condition, shall for each offense be deemed guilty of a misdemeanor, and on conviction thereof, be fined not less than double the amount of said deposit. Misdeme'nor

SEC. 2. Be it further enacted, That in all convictions under this act, the fine shall be paid in lawful money of the United States only, one-half of which shall go to the person who made the deposit. How fine paid.

SEC. 3. Be it further enacted, That the payment back to the depositor of the bank-notes, specie money or other thing of value, deposited before the conviction hereunder, and the court costs thereof, which may have accumulated, shall be a good and lawful defense to any prosecution under this act. Defense.

Approved December 12, 1892.

No. 63.] AN ACT [H. B. 182

To incorporate the Black Warrior Coal, Iron, Steel and Navigation Company.

SECTION 1. Be if enacted by the General Assembly of Alabama, That Joseph E. Cox and Andrew J. Raun of the city and State of New York, and Thomas Sedden, Charles M. Shelly and Edmund E. Rucker, of Birmingham, Alabama, and their associates, successors and assigns, be and they are hereby created a body corporate, under the name and style of The Black Warrior Coal, Iron, Steel and Navigation Company, and in and by that name and title, or under such name and title as the majority of the stork holders at their organization may adopt, shall have succession as a body corporate, Name.

and shall have all the rights, powers and privileges pertaining to corporate bodies, and necessary to carry out the objects and purposes of this act; Provided that before this bill becomes a law, this company shall pay into the state treasury such sum or sums as may be required of corporations seeking legislative charters under the provisions of any bill that may become a law at this session of the legislature.

SEC. 2. Be it further enacted, That the said com-
Powers. pany shall have power to mine, and transport by land or water, and buy and sell coal, iron ores and minerals of all kinds, and to manufacture, transport and sell coke, iron and steel in their crude and finished state and all other products from iron, steel and coal or other minerals, and to do all things incident to, or in aid of such business.

SEC. 3. Be it further enacted, That said company shall also have power to contract for, buy, own, use, sell or exchange all such lands, timber and mineral rights, and other rights in or to lands and personal property of all kinds as may be deemed desirable for the purpose of said business, or in connection therewith, and the same to lease, let or rent; to purchase, build, own and operate such steel plants, furnaces, rolling mills and buildings, structures and appurtenances as may be deemed needful in carrying on its business in the most efficient and advantageous manner. Said company shall also have the right and power to lease or purchase, or to lay out and construct and use and equip and maintain such tram-ways, railways, steam ships, vessels, barges and water craft, and each and every other suitable means of transporting persons or material, or its out-puts and products to any market, as may be considered beneficial in its business. Said company shall have the right and power to construct, buy, own, lease, maintain and operate gas and electric plants for furnishing heat, light and power, or either, and shall also have the right and power to dig, construct, lay and make any dam, reservoir, ditch, canal, pipes or aqueducts of any kind that it may deem most advantageous in utilizing the water power of the Black Warrior river or its tributaries, in its business, wherever the same may be useful and advantageous therein; Provided, such construction of dams, reservoirs and

other structures shall not interfere with the use of said streams by the general public; Provided, the said company shall first acquire by purchase from the owners thereof such lands and riparian rights, and the right to use such water power as may be necessary therefor; and it may furnish such electric light or gas or power and water and water power or either of them to such persons or corporations on such terms and in such manner as it may deem advantageous. Said company may construct, buy, own, lease, maintain, operate and convey warehouses, docks, wharves, storage yards, and all terminal properties useful or advantageous in the conduct of its business; Provided, that the said company shall possess or lawfully acquire the right of way for the same, before the construction of any railway or road, and the corporation shall have the power to condemn lands, or any interest or easment therein, for a right of way, or for ralroad purposes, in the manner provided by law. Powers.

SEC. 4. Be it further enacted. That said corporation shall also have power to unite, consolidate or connect the railways owned, operated and controlled by it, or navigation lines controlled, owned or operated by it, with any line of railway constructed, or which may be constructed in this state, upon such terms as may be agreed upon between it and such oilier railway company or navigation line, and for this purpose power is hereby granted to it, and to any railway or navigation company incorporated by this state, to make and carry out such contracts by lease, purchase or otherwise, as will facilitate and consummate such connection or consolidation. Connect with other lines.

SEC. 5. Be it further enacted, That the said corporation shall have the power to make and issue its bonds for such sums and in such amounts, and payable at such time or times as its stockholders may determine, which said bonds shall bear such rate of interest not exceeding eight per centum per annum, as the stockholders may deem best, and to secure the payment of the said bonds and the interest thereon, the said corporation is authorized to execute a mortgage or mortgages, or deeds of trust upon all the property of said corporation, including its franchises, or such part thereof as said stockholders may determine best, and the said May issue bonds.

company is authorized to sell, exchange, hypothecate and dispose of its bonds for these purposes, on such terms and in such manner as the directors may deem best.

Property. SEC. 6. Be it further enacted, That said corporation shall have the right to lease and purchase, and to hold and own the real, personal or mixed property, or stocks or bonds of other corporations engaged in any business germane or auxiliary to the business of this company.

Agencies. SEC. 7. Be it further enacted, That said corporation is authorized to constitute and establish an agency or agencies outside of this state, for the transfer of the shares of its capital stock, and to enact all by-laws necessary to provide for the transfer of said shares by such agency or agencies; the meetings of the directors of said company may be held outside of the state of Alabama.

Capital. SEC. 8. Be it further enacted, That the capital stock of said corporation shall be such sum, and divided into such shares as the corporation hereinabove named, or the majority thereof, shall fix and establish, not less than one hundred thousand dollars ; but the corporation shall have the right, after its organization, to increase its capital stock from time to time, to such sum as a majority in value of the stockholders thereof, in convention assembled, shall determine; Provided, such increase shall not exceed the amount allowed by law.

SEC. 9. Be it further enacted, That the persons named as corporators in the first section of this act, or a majority of them, shall, at such time and place as they may determine, open the books of subscription to the capital stock of said company.

Organizati'n. SEC. 10. Be it further enacted, That when as much as one hundred thousand dollars shall have been subscribed, and the percentage required by law has been paid in, as authorized in the last preceding section, to the capital stock of said company, the said corporators, or the majority of them, shall call a meeting of the said subscribers for the purpose of organizing said company, by the election of a board of directors, and for the purpose of fixing the location of the principal office or place of business of the company. The board of directors shall consist of such number as the subscribers may determine, who shall be chosen from the subscribers.

The officers of said company shall be a president, and a secretary and treasurer, and such other officers as the board of directors may deem necessary. The board of directors so chosen, shall, from their own number, choose a president, and shall also choose or direct the appointment of all other officers of the corporation. The directors and officers chosen shall continue in office until their successors are chosen.

Increase of capital.

SEC. 11. Be it further enacted, That after the organization of said company, the capital stock or bonded indebtedness, or both, of said company, may be increased from time to time, in the manner prescribed by law, and for subscription for any original stock or bonds, or for any increase of stock or bonds, said corporation may, as it may deem proper, and advantageous, receive such subscriptions, payable in whole or in part in real or personal property; Provided, that no stock or bonds shall be issued except for money or property actually received, or services actually performed.

Annual meetings.

SEC. 12. Be it further enacted, That there shall be annual meetings or conventions of the stockholders of said company, at such place in this state as shall be fixed by the board of directors, or by the by-laws of the company, for the election of the president and directors, and for the transaction of such other business relating to the interests of the company, as such conventions, when assembled, shall deem necessary or proper, of which convention such notice shall be given to the stockholders, as said company by by-laws or otherwise, may prescribe, or as may be directed by the board of directors; Provided, that omission or failure to hold any such convention within the time prescribed, shall not have the effect to cause a dissolution or discontinuance of such company. In any convention of its stockholders, a majority in value of the stock held or owned in said company by stockholders in person or by their duly constituted proxies or agents, shall constitute a quorum, competent to transact business. The number of directors shall continue as fixed at the organization, until otherwise provided by the company, and the company shall have the power to increase or diminish this number from time to time as shall be deemed proper. The president and directors shall be elected for a term of one year, but may continue in

Terms of office.

office thereafter until the election and qualification of their successors. Any vacancy in the office of president or directors, may be filled by the board of directors; and a majority of the directors, or such number as the by-laws shall determine, shall constitute a quorum for the transaction of business. Said company, acting by its stockholders in convention, shall have power to enact all such rules and by-laws as may be deemed needful and proper for the management and carrying. on of its business, and may elect or appoint all such officers other than president and directors, as may be deemed necessary or proper, and fix the tenure and qualification of each, and prescribe rules for the transfer of stock by the respective stockholders.

Preferred stock.

SEC. 13. Be it further enacted. That said corporation may also issue preferred stock, in such sums and for such amounts, and on such terms and conditions, and with such rights and privileges as the owners of two-thirds of the stock of said company, in convention assembled, shall give consent to, expressed by their vote at any annual meeting, or at a special meeting of the stockholders called for the purpose, of which special meeting and the purpose for which it is called, thirty days notice must be given by publication for four consecutive weeks in some newspaper published in the town or city in which the corporation has its principal office, and if such consent is so given, the proceedings. of the meeting must be reduced to writing, signed by the president or chief executive officer of the corporation, and filed and recorded in the office of the secretary of state.

SEC. 14. Be it further enacted, That the said company shall have power to change its corporate name at such time and in such manner as the by-laws may prescribe.

Approved Dec. 12, 1892.

No. 64.] AN ACT [s. 115

To regulate the compensation of sheriffs for the removal of prisoners.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in all cases where the cost of removal of prisoners is by law payable by the state, the sheriff shall receive for such service the following compensation : Three dollars for himself or his deputy acting in his stead, and two dollars for each guard for each day they are respectively engaged in such removal, together with the actual necessary traveling expenses of himself or deputy, and guard or guards, and prisoner or prisoners while on the trip, by the nearest route usually traveled between the points from and to which such removal is made. Compensation.

SEC. 2. Be it further enacted, That whenever the sheriff makes application for the employment of a guard, such application shall be filed in writing, and briefly set forth the facts necessitating the employment of the guard, which shall be verified by oath and filed in the office of the judge of probate of the county to which such removal is made, and the judge, if he grants the same, shall endorse thereon that he has investigated the facts and believes a guard to be necessary. Guard.

SEC. 3. Be it further enacted, That no guard shall be allowed for removal of prisoners charged with misdemeanor, except on the order of the governor, or a circuit judge, in cases where it is necessary to protect the prisoner from violence; in which event, the guard shall receive the same compensation as allowed the guard mentioned in section 1.

SEC. 4. Be it further enacted, That the auditor, with the approval of the governor, may from time to time as he deems necessary, prescribe the routes which shall be taken in the removal of prisoners, and no compensation shall be paid for the removal of prisoners carried by any other route, after the sheriff has been notified of the route prescribed. Routes.

SEC. 5. Be it further enacted, That the compensation fixed by this act shall be applicable to, and govern all cases where the county is by law chargeable with the

payment of such services for the removal of prisoners- Approved Dec. 12, 1892.

No. 65.] AN ACT [s. 71

To provide for the holding of the court of county commissioners of Blount county, in the western division thereof.

SECTION 1. Be it enacted by the General Assembly of Alabama, That there shall be held in the western division of Blount county, at the court house in Bangor, four regular terms of the court of county commissioners of said county, in each and every year for the transaction of all matters and business arising and being in the western division of said county cognizable and properly coming before the said court and in the same manner and to the same extent business is now transacted and disposed of in the courts of county commissioners of this state.

Western division.

SEC. 2. Be it further enacted, That it shall be the duty of the probate judge of said county of Blount to fix and arrange the several terms of said court in said western division, and when so fixed, notice thereof shall be given by such judge for at least three consecutive weeks, in a newspaper published in the said county; and that no change or changes of the times of holding said court after being so fixed shall be made within twenty days before the holding of any term of said court, so previously arranged, and that if the said probate judge shall desire to change the time or times of holding such courts in the said western division, he shall give the notice as above provided for, of such change or changes in a newspaper published in said county and for at least three weeks before the change- shall take effect.

SEC. 3. Be it further enacted, That all the minutes, records, papers and proceedings of said court so held for said western division at Bangor shall be kept there, and it shall be the duty of the probate judge of said county to open and keep an office there, in which such papers and records shall be kept, and free to inspection

Office at Bangor.

as now provided for by law in such cases. That the person so appointed to keep said records may, at the request of the probate judge, discharge ministerial acts pertaining to said court of county commissioners in the name of such judge, and in the same manner and to the same extent the judge could do in person, and for whose acts the probate judge of said county shall be liable on his official bond.

SEC. 4. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved December 12, 1892.

No. 66.] AN ACT [s. 207

To define the meaning and to effectuate the purpose of an act entitled an act to authorize the mayor and aldermen of the town of Attalla, in Etowah county, to issue bonds of said town for the purpose of providing said town with gas or electric lights, and water, building and constructing sewers, building school houses, and to create a board of commissioners to manage, control and invest the proceeds of said bonds, approved February 7, 1891.

Title material part.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the title of an act entitled an act to authorize the mayor and aldermen of the town of Attalla, in Etowah county, to issue bonds of said town for the purpose of providing said town with gas or electric lights and water, building and constructing sewers, building school houses, and to create a board of commissioners to manage, control and invest the proceeds of said bonds, approved February 7, l891, is a material part of said act.

Intention of act.

SEC. 2. Be it further enacted, That it was intended by said act to give authority to the mayor and aldermen of the town of Attalla to borrow money and issue bonds for the purposes designated in the title of said act.

SEC. 3. Be it further enacted, That the proper authorities of the said town of Attalla may enact reso-

lutions confirming the issue of bonds already made under this said act.

Approved December 12th, 1892.

No. 67.] AN ACT [s. 6

To regulate the fine and forfeiture fund of Wilcox county, and the payment of claims against said fund, and to provide funds for the payment of said claims.

SECTION 1. Be if enacted by the General Assembly of Alabama, That from and after the passage of this act, witnesses summoned and attending on behalf of the state, in all criminal cases in the circuit court and in the county court of Wilcox county, on or before the grand jury in said county, shall be allowed fifty cents per day ; also two and one-half (2 1/2) cents for each mile to and from their residence by the usual traveled route, and the actual ferriage; but if a witness attends in more than one case on the same day, he shall be entitled to compensation in one case only.

Pay of witnesses.

SEC. 2. Be it further enacted, That after the trial or continuance of the case for the term, or the discharge of the witness by the court, or the grand jury, the clerk of the court, or foreman of the grand jury, shall issue to him a certificate, stating the number of days he has attended, the case in which he attended, the number of miles traveled, the amount of actual ferriage paid, and the total amount due him. When the grand Jury is discharged, the foreman must furnish the clerk of the circuit court a certified list of all certificates issued by him, showing to whom issued and amount due each one.

Certificates.

SEC. 3. Be it further enacted, That immediately after the adjournment of the court for the term, the clerk of the circuit court shall enter in a book, to be kept for that purpose, a certified list of all the certificates issued by him and the foreman of the grand jury during the term, showing to whom issued, the case in which he attended, and the amount due him. For making said list the clerk of the circuit court shall receive two (2) cents for each certificate f-o entered in said book to be

Record by clerk.

paid by the county. Upon the completion of said list, the said book shall be delivered to the county treasurer to be kept by him.

SEC. 4. Be it further enacted, That it is hereby made the duty of the county treasurer to pay each of said certificates on its presention by the owner thereof, and to take up and cancel each one as it is paid, and also mark it paid in said book. The said county treasurer is hereby authorized and directed before each term of said circuit court and said county court to retain out of the general fund of said county an amount sufficient to pay said certificates herein provided for. Payment.

SEC. 5. Be it further enacted, Whenever the costs in any criminal case in said courts are imposed on the defendant or prosecutor, or foreman of the grand jury, the fees of the witnesses for the state shall be taxed as costs against him, and be collected with other costs taxed against him, as now provided by law; and when said witness fees are so collected, they shall be paid by the officer collecting the same to the county treasurer. Taxing of costs.

SEC. 6. Be it further enacted, That it shall be the duty of the treasurer of said county to transfer any and all funds now in his hands, or that may hereafter accrue to the fine and forfeiture fund of said county, to the general fund of said county. Funds transferred.

SEC. 7. Be it further enacted, That the fees of the circuit clerk and sheriff of said county, in cases where the state failed to convict, or where a nolle prosequi is entered, or where an indictment is withdrawn and filed, shall be fifty (50) per centum of the fees allowed by law. Fees.

SEC. 8. Be it further enacted, That the fees accruing to the sheriff and clerk, or provided for by section seven (7) of this act, shall be paid out of the general fund of said county, as other claims are paid, and when audited and allowed by the court of county revenues, shall be preferred in the same manner, as is provided for the payment of witnesses. How paid.

SEC. 9. Be it further enacted, That all fines and forfeitures accruing in said county may be payable in cash, or in registered claims against the fine and forfeiture fund of said county. Payment of fines, etc.

SEC. 10. Be it further enacted, That the court of county revenues of said county are hereby empowered to issue bonds to an amount not to exceed three thous- Bonds.

and ($3,000) dollars, said bonds to be made payable for a term not to exceed five years from the date of issuance; to be used in liquidating all registered claims against said fine and forfeiture fund. That upon the issuance of said bonds, the said court of county revenues are directed to give notice by publication for four weeks to parties holding registered claims against the fine and forfeiture fund of said county, and the money realized from the sale of bonds shall be applied to the liquidation of said indebtedness to the person or persons proposing to take payment therefor to the highest rate of discount.

SEC. 11. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved December 12, 1892.

No. 68.] AN ACT [H. B. 178

To provide the right of habeas corpus in cases where any person has been tried and required to keep the peace under the provisions of chapter 1, title 4, article 2, part 5 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That when any person has been tried for threatening to commit an offense on the person or property of another under the provisions of chapter 1, title 4, article 2, part 5 of the Code of Alabama, and has been required to give security to keep the peace under the provisions of said article, by any other magistrate than a judge of the supreme court or a chancellor, and such person has failed to enter into the bond required by such judge or magistrate, from inability to give such bond and security or from any other cause, and is held in custody by the sheriff or some other officer, that such person shall be entitled to and may apply for the writ of habeas corpus and may prosecute the same under the provisions of said chapter and article.

Habeas corpus.

SEC. 2. Be it further enacted, That when an application for the writ of habeas corpus is made under the provisions of the foregoing section of this bill, to

Power to discharge.

any judge or other magistrate and the same shall be tried and heard, the judge or chancellor granting the writ and before whom such application shall be heard, shall have the power upon the hearing thereof to discharge the applicant, or to reduce the amount of the bond and security to keep the peace which was required to be given by such applicant by the magistrate before whom the original proceeding was prosecuted, and from whose order the appeal was taken by such applicant.

Approved December 12, 1892.

No. 69.] AN ACT [H. B. 117

For the protection of fish in Marion county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for any person or persons to fish with a seine or drag net in any of the waters of Marion county during the months of April and May, provided that this act shall not apply to the catching of minnows for fish bait. When seining prohibited.

SEC. 2. Be it further enacted, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor and on conviction shall be fined not less than ten dollars nor more than fifty dollars at the discretion of the jury. Penalty.

SEC. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of act be, and the same are hereby repealed.

Approved December 12, 1892.

No. 70.] AN ACT [H. B. 113

To amend section 1464 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1464 of the Code be, and the same is hereby amended so as to read as follows: Section 1464. To prevent the deposit of dead animals

Penalty. or fowls in running streams.—Any person who shall deposit the body of a dead animal or fowl in any running stream, is subject to a fine of ten dollars to be recovered before any magistrate, one-half to the informer, and the other half to the county in which the offense is committed. Justices and constables are especially charged with the enforcement of this section.

Approved December 12, 1892.

No. 71.] AN ACT [H. B. 254

To incorporate the Tuskegee Normal and Industrial Institute and amend an act to amend an act to establish a normal school for colored teachers at Tuskegee, approved Feb. 16, 1883.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act to amend an act to establish a normal school for colored teachers at Tuskegee, approved February 16th, 1883, be amended so as to read

Coporators. as follows: Section 1. That George W. Campbell, S. Q. Hale, Lewis Adams, Oliver Howard, Henry D. Smith, B. T. Washington, Geo. L. Chaney, R. C. Bedford, Warren Logan, C. N. Dorsett, and such others as they may under this act associate with them, and their successors, be and are hereby constituted a body politic and corporate, by the name of the Trustees of the Tuskegee Normal and Industrial Institute, and shall have perpetual succession, and a common seal, and by the name aforesaid they and their successors shall be capable in law and shall have full power and authority to acquire, hold, possess, purchase, receive and retain to themselves and their successors forever any lands, tenements, rents, goods, chattels or interests of any kind whatever, which may be given or bequeathed to them or by them purchased, or which have alreay been bequeathed or purchased for the use of said institution; and said trustees may receive any gift or inheritance which may be given as an endowment fund, and they and their successors shall have full power to convey, transfer and dispose of the same in any manner whatsoever they may judge most useful to the interest and

legal purpose of said institution, and, by their corporate name, they may sue and implead and be sued and impleaded, may answer and be answered in all courts of law and equity, and said trustees shall have the right to make contracts in behalf of said institution.

SEC. 2. Be it further enacted, That the purposes of said Tuskegee Normal and Industrial Institute shall be as follows: For the instruction of colored teachers and youths in the various common academic and collegiate branches, the best methods of teaching the same, and the best methods of theoretical and practical industry, in their applications to agriculture and mechanic arts; and for the carrying out of these purposes, said trustees shall have the power to establish and provide for the support of any departments or schools in said institution, and to control the operations of the same, to grant such diplomas and confer such degrees as are customary in other colleges of like grade, to appoint such officers for presiding over and transacting the business of this body as may be necessary and prescribe their duties and obligations, to appoint the time and place for their meetings, to determine their own tenure of office, and to adopt such rules, regulations and by-laws, not contrary to the laws of this state or the United States, as they may deem necessary for the good government of the said Tuskegee Normal and Industrial Institute. The said institute shall not be begun nor continued with a less number than twenty-five (25), nor be taught for a period less than nine (9) months of each year. Pupils from this state shall be admitted free of tuition, on giving an obligation in writing to teach for two years in the public schools of this state after they become qualified.

Purposes.

Requirements.

SEC. 3. Be it further enacted, That when there shall be a vacancy in the board of trustees occasioned by death, resignation, removal or refusal to act, the remaining trustees or a majority of them shall supply the vacancy at the next annual meeting. It shall be lawful for any five or the trustees to call a meeting of the trustees whenever it is deemed by them expedient to do so.

Vacancies.

SEC. 4. Be it further enacted, That the number of trustees shall never be less than seven nor more than

No. trustees.

fifteen, the majority of whom shall constitute a quorum.

Property

SEC. 5. Be it further enacted, That all property acquired by said Tuskegee Normal and Industrial Institute, or Tuskegee Normal School, or Tuskegee Institute, or by whatever name so called, before the passage of this act, are hereby ratified and confirmed to the trustees of said Tuskegee Normal and Industrial Institute.

Annual appropriation.

SEC. 6. Be it further enacted, That there is hereby appropriated, out of the general school revenue set apart for the education of colored children, the sum of three thousand ($3,000) dollars annually for the maintenance and support of said school, and the apportionment of the general fund for colored children shall be made to the several counties of this state, after the deduction of the sum herein appropriated; the said appropriation shall be under the control of the commissioners hereinafter provided for, and shall be applied in such manner as they deem best to carry out the purpose of this act, and said commissioners shall be members of said board of trustees with the same rights and powers as the other trustees.

Commissioners.

SEC. 7. Be it further enacted, That the school shall be under the direction and control of a board of three (3) commissioners, which shall consist of the following persons, to-wit: George W. Campbell, S. Q. Hale and Lewis Adams, who shall select one of their members as chairman of the board, and shall have power to fill any vacancy that may occur in the board. In case a majority of the commissioners can not agree upon a person to be chairman, or a person to fill a vacancy in the board, then such disagreement shall be certified to the superintendent of education for the state, and that officer shall forthwith appoint a member of the board to be chairman, or a person to fill the vacancy, as the case may be, and the member of the board so appointed as chairman, and the person so appointed to the vacancy shall have the same power and authority as if he had been selected by the board. The commissioners shall make an annual written report to the superintendent of education of the condition and progress of the school, the teachers that have been employed, the number of pupils that have been in attendance, the manner in which the appropriation has been expended,

the branches that have been taught, and such other facts relating to the school that may be of public interest and importance.

Bond.

SEC. 8. Be it further enacted, That the chairman of the board of commissioners shall give bond in double the amount of the appropriation, for the safe keeping and faithful application of the sum appropriated. The bond to be approved by the judge of probate of Macon county and filed in his office, a certified copy of which shall be forwarded to the state superintendent of education and placed on file in his office.

Payment of appropriation.

SEC. 9. Be it further enacted, That the chairman of the board of commissioners of the Tuskegee Normal and Industrial Institute shall, after the execution, approval and filing of the bond, and the certified copy of the same as provided hereinbefore, present to the state superintendent of education a requisition for the amount herein appropriated, and the superintendent of education shall thereupon certify the amount to the state auditor, who shall draw his warrant for the same on the state treasurer, payable to the chairman of the board of commissioners for the maintenance and support of the said Tuskegee Normal and Industrial Institute, as hereinbefore provided, and a like requisition shall be presented and the sum herein appropriated so drawn each year as the same shall accrue.

Exempt from tax.

SEC. 10. Be it further enacted, That so long as the property, real and personal, of said Tuskegee Normal and Industrial Institute is used for the purpose of education, the same shall be exempt from taxation of any kind.

SEC. 11. Be it further enacted, That all laws and parts of laws in conflict with any of the provisions of this act, be and the same are hereby repealed.

Approved December 13, 1892.

No. 7.2.] AN ACT [H. B. 260

To amend section 141 of the Code of Alabama, by which the cost of a sufficient number of tags to tag a ton of fertilizers is reduced from fifty to twenty-five cents.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 141 of the Code of Alabama be amended so as to read as follows: The commissioner must furnish the license on application, tags to be attached, to fertilizers sold or exchanged, of the kind and description he is required by subdivision seventeen of section 137, to prepare, on the payment to him of twenty-five cents for a number sufficient to tag a ton of fertilizers. Before selling or exchanging or offering to sell or exchange fertilizers, the licensee must attach one of the tags to each bag, barrel, or package thereof; and a sale or exchange of fertilizers not so tagged is void; Provided, that this act shall not take effect until October 1st, 1893.

fertilizer tags.

Approved December 12th, 1892.

No.73.] AN ACT [H. B. 272

To amend the charter of the city of Bridgeport.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 2 of an act entitled "an act to establish a charter for the city of Bridgeport, approved February 18th, 1891, be, and the same is hereby amended so as to read as follows: SECTION 2. Be it further enacted, That the corporate limits of the city of Bridgeport shall be as follows, to-wit: beginning at the center of section seven (7) and running east in a straight line to the section line, thence north with said section line one-fourth of a mile, thence east along the quarter section line to the bank of the Tennessee river, thence down the river bank three quarters of a mile, to the north boundary line of section seventeen (17), thence east with said section line across the big slough, and to the low water mark on the west bank of the little

Corporate limits.

slough of said river, thence down said bank to the south boundary line of section twenty (20) and including the point of the island, thence west with said section line to the south-west corner of section (19), thence north with the said section line one. and three-eighths miles to the Brown Arendale line, thence east along said line one fourth of a mile, thence north five-eighths of a mile to the north-west corner of S. E. 1/4 of section eighteen ((8), thence east to the line between Arendale and McEllard, thence north with said line one-fourth of a mile to the north boundary line of section eighteen, thence east to the quarter section line, thence north along said section line to the point of beginning, the same, including all of sections (17), nineteen (19) and twenty (20), and a part of sections seven (7), eight (8), nine (9), sixteen (16). eighteen (18) and twenty-one (21), all in township one (1), range. nine (9) east, Jackson county, Alabama,

Corporated limits.

Approved December 12th, 1892.

No. 74.] AN ACT [H. B. 349

To authorize the court of county commissioners of Jefferson county to issue bonds of said county, to an amount not exceeding fifteen thousand dollars, for the purpose of making an exhibit of the mineral, agricultural and industrial resources of said county, at the World's Columbian Exposition at Chicago.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in order to procure the means for making an exhibit of the mineral, agricultural and industrial resources of said county of Jefferson, at the World's Columbian Exposition at Chicago, the court of county commissioners of said county are hereby authorized and empowered to issue bonds of said county of Jefferson, to an amount not exceeding fifteen thousand dollars, or as much thereof as they may deem necessary for the purpose aforesaid, and payable at such time or times as said court may agree upon, not exceeding twenty years from the date of issuance, with

Bonds.

coupons attached bearing interest at a rate not exceeding eight per cent. per annum, and receivable in payment of all county taxes.

SEC. 2. Be it further enacted, That the bonds and coupons issued under the provisions of this act may be made payable at such place as the board of county commissioners may direct and shall be negotiable and may be issued in such sum or sums as said court may deem best.

When valid.

SEC. 3. Be it further enacted, That the bonds authorized to be issued under the provisions of this act, shall not be valid until the same have been signed by the county treasurer, and countersigned by the judge of probate, and the seal of the county affixed thereto, and the county treasurer is required to keep a correct account of all bonds issued and disposed of under the provisions of this act.

Exempt from tax.

SEC. 4. Be it further enacted, That the bonds issued in accordance with this act shall be exempt from county and city taxes.

Authority of com'rs court

SEC. 5. Be it further enacted, That the commissioners court of said county are hereby empowered to do any and all things authorized under the provisions of this act which may be necessary to carry out the powers granted by this act, and to make the exhibit aforesaid, either through themselves or any agent or agents duly appointed by them for that purpose at any term of said court, whether regular or special, and it done at a special term of said court its proceedings shall be as valid to all intents and purposes as if done at a regular term, and no technicality, informality, irregularity, neglect or omission in the proceedings or records of said court, shall, in anywise, vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Special tax.

SEC. 6. Be it further enacted. That in order to meet the interest of said bonds as it falls due and the principal at maturity, the said court of county commissioners are hereby authorized and required, when necessary, to levy a special tax, from time to time, upon all properties, licenses and business subject to a state tax under the revenue laws of the state of Alabama, situated or located within the limits of said county.

SEC. 7. Be it further enacted, That the proceeds of the sale of said bonds shall be under the direction of the court of county commissioners of said county.

Approved December 12th, 1893.

No. 75.] AN ACT [H. B. 379

To change the name of the town of Pratt Mines, in Jefferson county, and establish a new charter therefor.

Pratt city.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the name of the town of Pratt Mines, in Jefferson county, be and the same is hereby changed to Pratt City.

SEC. 2. Be it further enacted, That the town of Pratt City in Jefferson county, shall be and continue a body politic and corporate by the name of Pratt City, and by this name may sue and be sued, contract and be contracted with, receive and grant and do all other acts as natural persons in respect to the powers herein granted; and may purchase, receive, hold, grant, let, sell, or assure real or personal or mixed property, and dispose of the same for the use and benefit of the town, and may have and use a town seal, which may be changed or altered at pleasure.

Boundaries.

SEC. 3. Be it further enacted. That the corporate limits of said town of Pratt City shall embrace and include all that territory of land lying within and being included by the following limits, to-wit: Beginning 417 12 100 feet south from the north-west corner of section 29, township 17, range 3 west, running north-east until the line intersects the north line of said section, 417 12-100 feet east from the north-west corner of said section; thence running east to a point 250.8 feet west from the north-east corner of the north-west quarter of the north-west quarter of said section; thence south-east to a point 215.82 feet south from the north-east corner of the north-west quarter of the north-west quarter of said section; thence south to the south line boundary of right of way of Ensley Railway;

Boundaries. thence easterly 100 yards along said right of way; thence south to a line between the north east quarter of the north-west quarter, and the southeast of the north-east quarter of said section ; thence west to the south-east corner of the north-west quarter of the north-west quarter of said section; thence south to the south-east corner of the north-west quarter of the south-west quarter of said section ; thence west to the south-west corner of the north west quarter of south-west quarter of said section; thence north along said section line between sections 29 and 30 to a point 442.75 feet south of the north-east corner of the north-east quarter of section 30, township 17, range 3, west; thence west 442.75 feet, thence north 442.75 feet, thence west to the south-west corner of the south-east quarter of said section; thence north to the north-west corner of the south-east quarter of the north-east quaver of said section; thence east to the section line between sections 29 and 30. Thence north along said line to the point of beginning; Provided, that the corporate authorities of the said town of Pratt City shall have police jurisdiction of all territory living within one mile of the City Hall of said town, and shall have authority to punish all offenses committed within said territory, as if the same were committed within the corporate limits of said town; the said town is hereby divided into four wards as follows:

SEC. 4. Be it further enacted, That the City of Pratt.

Wards. City shall be and is hereby divided into four wards, as follows : First ward, embracing all that portion of said city situated in the north-west quarter of north-west quarter and north east quarter of north west quarter of section 29, township 17, range 3, west. Second ward, embracing all that portion of said city situated in the south-west quarter of the north-west quarter in section 29, township 17, range 3, west. Third ward, embracing all that portion of said city situated in the north west quarter of the south-west quarter of section 29, township 17, range 3, west. Fourth ward, embracing all that portion of said city situated in the south-east quarter of the north-east quarter, and the north-east quarter of the south-east quarter of section 30, township 17, range 3, west.

SEC. 5. Be it further enacted, That the government of said town shall consist of, and its corporate powers be exercised by, a mayor and eight aldermen, two from each ward, who are residents of their respective wards, and who shall be elected as hereinafter provided for. The mayor and aldermen who are in office when this act takes effect, shall remain and continue in office and exercise all the rights and powers, and perform the duties for the town of Pratt City that they exercised for the town of Pratt Mines, until the first Tuesday in March, 1893, or until their successors are elected and qualified, on which said first Tuesday in March, there shall be elected a mayor and eight aldermen (two from each ward) and biennially thereafter on the first Tuesday in March by ballot, by the legal qualified electors of the State of Alabama, who have resided within said corporate limits of the town of Pratt City one month next preceding such election. The first election under this act shall be held and conducted by the present mayor and board of aldermen of the town of Pratt City, who shall appoint three qualified electors in said town to act as managers of the election, and a majority of said board of mayor and aldermen shall have power to hold said election, should the others fail to act. The electors, appointed as managers, shall first be duly sworn to conduct such election according to the laws for holding elections in the Stale of Alabama. The managers, or a majority of them, shall cause the polls to be opened at nine o'clock in the morning and be kept open until the hour of six o'clock in the evening; that said managers shall count the votes so cast, make out a poll list of the persons who voted, and, with their certificates endorsed thereon, showing the person voted for and what office voted for, and deliver the same in a box sealed up to the mayor, who shall call a meeting of the board, and they together shall open the box and proceed to count the votes therein and declare the result. The person receiving the plurality of the votes so cast for mayor, and the two persons from each ward receiving the plurality of the votes so cast shall be declared elected mayor and aldermen for the next two ensuing years, and until their successors are elected and qualified; Provided, that at said election, qualified

Government.

Elections.

Elections. voters shall be entitled to vote for one mayor and two aldermen from each ward. All elections for municipal officers thereafter shall be held under regulations adopted by municipal authority, who shall count the votes and declare the result. No person shall be a qualified voter at the election hereinabove provided for who has not been duly registered by the town authorities under such regulations as they may prescribe; Provided, that all registering shall close ten days before said election; after the first election, the municipal authorities, at least thirty days before each succeeding election shall make provisions for the registering electors residing within the corporate limits, and no voter shall be entitled to vote at any election who does not register at least ten days before said election. In all cases where there is a tie between any two persons voted for, where only one can fill the office, to be filled, the election for that place must be by the authority or authorities holding the election, referred back to the electors for a choice. At any municipal election held under this act, any person offering to vote may be challenged by any one of the managers or any qualified elector, and it is the duty of each managers to challenge any person offering to vote whom he knows or suspects not to be a qualified voter. The person so challenged may be examined under oath by the manager as to his qualifications, and the managers may examine any person touching his qualification. In all cases the managers are authorized to administer the oath to answer questions, and where proof is taken, may receive or reject the ballot so offered.

Contests. SEC. 6. Be it further enacted, That any election held under this act, may be contested for any of the grounds for contesting elections under the general laws of this State, and by any person authorized under the general laws of the State to contest elections. Such contest shall be tried before the judge of probate of Jefferson county, and shall be governed by the rules prescribed in article 3, chapter 4, title 6, of the Code of Alabama of 1886, so far as the same are applicable; Provided, such contests are instituted within 20 days after such election is held.

SEC. 7. Be it further enacted, That any person who

falsely personates another and thereby casts a vote for which he is not entitled, or thereby obtains registration as a voter, to which he is not entitled, or attempts by such false personation of another to obtain such registration, or having once voted at such election, votes a second time, or attempts to vote a second time, or shall vote at such election when not entitled to do so, or shall falsely cause his name to be registered as a person entitled to vote when he is not entitled, or shall falsely attempt to do so, or after having once obtained registration, shall cause himself to be registered a second time, whether in the same name or another, or shall aid or assist another not entitled, knowing him not to be entitled to vote, or obtain registration as a voter, or shall willfully give false answers to any question put to him by any manager or register shall be guilty of a misdemeanor against said town, and on conviction in the mayor's court, shall be punished by a fine of $20.00 or by hard labor for the town for not less than ten nor more than thirty days, one or both. Illegal voting

SEC. 8. Be it further enacted, That no person shall hold the office of mayor or alderman of said town who has not resided therein six months next preceding the election, and the aldermen must be a resident of the ward and qualified voter therein for which they are respectively elected at time of election. Qualification.

SEC. 9. Be it further enacted, That before entering upon their duties as such, the mayor and aldermen shall take and subscribe an oath to support and obey the constitution and the laws of the state of Alabama, and the town of Pratt City, and to faithfully discharge their respective duties as such mayor and aldermen. A majority of the board of aldermen shall be required to transact any corporate business, but any number may assemble at the place of meeting, and adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the board may prescribe ; the board of aldermen may adopt such rules and procedure as may be necessary far the transaction of business; may fine its members for absence or disorderly behavior, and may fill any vacancies on the board that may occur from death, removal or resignation. The mayor, when present, shall Meetings.

preside at the meetings of the board; if he is absent from any meeting, the aldermen present may elect one of their number to preside. In case of the office of mayor becoming vacant by death, removal, resignation or disability, the aldermen shall elect a mayor to fill the vacancy for the unexpired term. The mayor may call meetings of the aldermen as often as the interests in the municipality requires, but there shall be a meeting of the mayor and aldermen at least once each month for the transaction of business.

Mayor's Court, etc.

SEC. 10. Be it further enacted. That the mayor, or in his absence, any alderman shall hear and determine all cases of violation of the by-laws or ordinances, or of the charter of the said town of Pratt City, and punish offenders in such manner as may be prescribed by such by-laws and ordinances, and shall receive such fees and salary as the board may prescribe. The mayor shall have and possess within the corporate limits of the town of Pratt City, all the power and jurisdiction, both civil and criminal, of a justice of the peace, and shall be subject to corresponding duties and liabilities of a justice of the peace, and before acting as a justice of the peace must give bond like other justices of the peace. Before entering upon the duties of his office as mayor, the mayor shall give bond, to be approved by the probate judge of Jefferson county, in the sum of $1,000.00, payable to the town of Pratt City, and conditioned for the faithful performance of his duty as mayor. From any judgment of the mayor, rendered in cases of violation of municipal ordinances or by-laws, an appeal will be allowed, if taken within five days thereafter, to the next term of the circuit court of Jefferson county, or to any court of like jurisdiction, on defendant entering into bond, with surety, to be approved by the mayor, payable to the said town of Pratt City, for such sum as the mayor may require, not less than double the fine and costs, and conditioned to prosecute such appeal to effect, and to pay such judgment as the appellate court may render in said cause; in case the appellant may default, the appellate court may affirm the judgment of the mayor, and render judgment against the defendant and his sureties on the appeal bond for the amount of fine imposed by the

Appeal.

mayor, and cost of the appeal. In case the defendant appear to prosecute his appeal, the trial shall be de novo, and if judgment is rendered against the defendant for money, the court must also render judgment against his sureties on the appeal bond for the amount of said judgment and costs of appeal, and in addition thereto, if the judgment be imprisonment or hard labor, the defendant shall be remanded to the municipal authorities of the town of Pratt City for punishment. Where the judgment of the court shall be only imprisonment or hard labor, then the court shall render judgment against the defendant and the sureties on the appeal bond for cost of the appeal and for the cost imposed by the mayor. The mayor, or alderman acting as mayor, shall have power when so authorized by ordinance upon the trial of offenders, to impose fine, imprisonment, or hard labor on the street. In all cases where a person is accused of violation of an ordinance, he may give bail with sureties for his appearance before the mayor for trial, and if he makes default, the mayor may declare his bond forfeited, and enter judgment after notice to his sureties, against the defendant and his sureties for the amount of the bond, or in such sum as the circumstances of the case may authorize.

SEC. 11. Be it further enacted, That the mayor and aldermen of Pratt City shall have full power to adopt and enact all by-laws and ordinances for the well being of the inhabitants of Pratt City, authorized by this act, and affix thereto appropriate penalties for the violation of the same, by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the town, not exceeding thirty days, and all persons convicted of any breach of the by-laws or ordinances of Pratt City, failing to pay such fine, may be imprisoned or placed at hard labor until such fine and costs are paid, for a term not exceeding thirty days. 2d. To pass all ordinances to prevent and abate nuisances, and prevent persons creating or allowing nuisances on their premises or elsewhere. 3d. To pass all laws necessary to prevent the introduction of contagious diseases into the town ; to preserve health, and to establish and regulate quarantine and pest houses; to maintain hospitals, and provide and keep a cemetery. 4th. To license, tax and

Powers.

Powers. regulate theatrical and other amusements; circuses, menageries, shows and exhibitions for the sake of gain ; all trades, businesses, occupations and professions. 5th. To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns, brokers, confectioners, hawkers, coffee houses, peddlers, butchers, lawyers, doctors, dentists, livery stable keepers and all other privileges; to license, tax and regulate retailers of spirituous, vinous or malt liquors within the corporate limits in the town of Pratt City. The said mayor and aldermen may prescribe the places within the town where intoxicating liquors may be sold; it shall have authority to deny a license to retail to any person who, in its opinion, may be unfit to be entrusted with such license. The mayor and board of aldermen shall have power to close all places where intoxicating liquors are sold, whenever it may consider public peace and safety demands it. The enumeration of special powers over the liquor traffic or the retailers of intoxicating liquors, shall not be so construed as to prevent the mayor and aldermen from providing all regulations of the liquor traffic or the retailers of intoxicating liquors that it may deem expedient, proper or necessary. The mayor and board of aldermen may fix the price of town licenses at not less than five hundred dollars nor more than one thousand dollars per annum; Provided, that no license to retail to any one who does not first obtain the written consent of a majority of the freeholders and householders in the ward in which he proposes to retail. 7th. To appoint a marshal or chief of police of the municipality, who shall have authority to make arrests with or without a warrant within the jurisdiction of Pratt City. 8th. To establish and regulate markets and market houses; to enact laws for the sale of meats and fruits in the corporate limits. 9th. To sink and regulate public wells, to establish, authorize and regulate water works, fire plugs and hydrants ; to make all needful provisions for the supply of water, gas, gas lights, electric light for lighting the streets, llth. To establish fire limits; to make all necessary arrangements and provisions to protect the property of citizens against fire, by suitable fire aparatus. 12th. To establish, open, control and regulate, repair, grade and pave

streets and alleys; to establish, curb, grade and regulate sidewalks, and construct sewers. 13th. To prevent the running at large of animals on the streets, and to authorize the impounding of the same, and to prescribe the conditions upon which the same may run at large. 14th. To regulate and control the running of cars and locomotives on and across the streets. 15th. To enact all ordinances regulating a sale of goods, wares and merchandise on the streets. 16th. To require property owners to keep sidewalks in front of the property in good repair; to have and exercise full police power within the police jurisdiction; to protect the rights of persons and property and preserve the public peace; to this end the marshal and policemen are clothed with the power of authority of constables under the law of the state of Alabama, and the mayor and each of the aldermen are conservators of the peace, and empowered to make and order arrests for all violations of the laws of this stale, and of the municipality, and to administer oaths. 17th. To require all male inhabitants over the age of 18 and under the age of 45 years, residing within the corporate limits, to work not more than six days in each year upon the public streets, or in lieu thereof, pay a sum fixed by the mayor and aldermen, not exceeding five dollars per annum, which money shall be used only for the improvement of the streets and alleys; and to enact suitable ordinances to enforce the duty when required. The inhabitants of said town are relieved from duty on the public roads of the county. 18th. To license hacks, drays, and to regulate the running of the same, and to protect them in their lawful charges. 19th. To purchase and provide for the payment of the same, all personal and real estate being necessary from lime to time, for the public use and convenience, and to construct suitable public buildings for council chamber, market houses and jails.

SEC. 12. Be it further enacted, That this act is declared to be a public act, and may be read in evidence in all courts of law and equity; and all ordinances, resolutions and proceedings of the city, may be provided by the seal of the corporation, attested by the town clerk, and when printed, purported to be published by authority of the corporation, the same shall be received

Public act.

in evidence in all courts and places without further proof.

SEC. 13. Be it further enacted, That the mayor and aldermen of said Pratt City to provide public revenue,
Taxes. are authorized to levy and collect taxes on real estate and personal property, capital employed in business in said municipality, auction sales, sales of merchandise, gross amounts of commissions, or sums received during the preceding year by any factor, commission merchant or broker, on the gross receipts of each trade, or occupation, conducted within or derived from a business carried on in or partly within said municipality, and all salaries whether from public or private employment, after deducting the expenses of carrying on such trade, occupation or employment; Provided, that where capital employed is invested in goods, wares or merchandise, a tax shall not be levied upon the capital, and at the same time upon the property in which the same is invested, and that it shall not be lawful to impose a double tax upon any subject of taxation. The mayor and aldermen are authorized to establish regulations to insure correct returns to the proper officer or officers, or agents, of all subjects of taxation, and for listing of the same by tax payers for taxation; and if the tax payer fails to list his property for taxation, to provide that his property may be assessed by the officers appointed to assess property within the corporate limits, and to make all needful regulation to equalize the valuation of property assessed for taxation, and to provide that the same may be assessed at its proper valuation, in accordance with law.

SEC. 14. Be it further enacted, That the mayor and aldermen are empowered to make needful regulations,
Collector. and to enact all by-laws and ordinances necessary to enforce the prompt collection of taxes assessed, and to that end may elect a collector, who shall qualify by taking an oath to faithfully perform his duties as such, and shall give bond in such sum as may be required for the faithful discharge of his trust. One person may be appointed to perform the duties of assessor, collector and clerk of the municipality.

SEC. 15. Be it further enacted, That when the books
Tax lien. of assessment shall be completed and returned to the

mayor and aldermen, and they have levied a tax on the property so listed and assessed, the mayor shall issue his warrant, annexed to the tax list or book of assessment, to the collector of the corporation tax, which list shall contain the names of the tax payers, a description of the real estate, its valuation, and the taxes assessed thereon ; and such tax list, with the warrant annexed, shall have the force and effect of an execution, and shall be a preferred lien on all the property within the corporate limits, of every person assessed with the same. over all imcumbrances, except the state and county taxes, from the date of the assessment.

SEC. 16. Be it further enacted, That all taxes assessed and levied in the corporate limits of Pratt City, shall have the force and effect of a judgment at law, and in addition to the remedy hereinafter given, the corporation of Pratt City may bring suit in any court of law or equity against the person or persons assessed jointly or severally, and recover such sum as may be found to be due for taxes and charges.

Sales.

SEC. 17. Be it further enacted, That lifter giving notice by advertisement, by posting, or in a newspaper published in Pratt City for twenty days, that the corporation taxes are required to be paid to him on or before a certain day, it shall be the duty of the tax collector to enforce the collection of the same by levy upon and sale of the personal property of the delinquent tax payers at public auction, first giving five days notice by posting, of the time and place of sale. If after taxes have been assessed, the tax collector shall become satisfied that the taxes due from any person are in danger of being lost by any delay, he is authorized and required, without delay, to seize, levy upon and sell any property liable for the payment of taxes.

Decrees.

SEC. 18. Be it further enacted, That the failure of the collector to seize and sell personal property for the payment of taxes in default, shall not be a defense or ground of objection to the sale of real estate tor taxes in default or in arrear. The mayor and aldermen are authorized by ordinance to adopt the procedure for the sale of real estate for the collection of taxes, as set forth in article iii. chapter 5, title 7, Code of Alabama, 1886, and jurisdiction to that end is hereby conferred upon

the probate judge of Jefferson county, state of Alabama, to hear and determine and enter any decrees of sale for the amount of taxes due, with the cost and charges thereupon. The purchaser of land at such sale shall receive a deed therefor, executed by the tax collector of the corporation of Pratt City, conveying all the estate the tax payer has therein at the date of the assessment of the land for taxation. By virtue of the deed so executed, the purchaser may sue for at law, and recover possession of the real estate thereby conveyed, with the rents thereof, from the date of the execution of the deed. In all suits brought under this act for the possession of real estate, the decree of the probate judge ordering the land to be sold, and the deed therefor executed by the said tax collector, shall be prima facie evidence of the right of the purchaser, or those claiming under him, to recover the real estate sold. If the land is in the possession of a tenant, notice to him by the purchaser, or his vendee, of the purchase, after the lapse of ten days from the time of the sale, that he is the purchaser, and that the land has not been redeemed, vests the right to the possession in him in the same manner as if such tenant had attorned to him.

Redemption.

SEC. 19. Be it further enacted, That any real estate sold pursuant to the provisions of this act, may be redeemed within two years from the date of the execution of the deed, by the owner or person interested in the same, paying or tendering to the purchaser, or his vendee, the amount of the purchase money, with interest at the rate of ten per cent. per annum, all taxes, state, county and municipal, paid by the purchaser, the value of all the improvements erected thereon, necessary to keep the property in repair, and to make it productive by the purchaser, such value to be ascertained as now provided by the laws of the state of Alabama, and all lawful charges thereon. When the vendee does not reside in Pratt City, the owner, or any one interested therein, may redeem the same by making payment, as aforesaid into the treasury of Pratt City for the person entitled thereto, who shall be promptly notified thereof by the treasurer. When possession has been delivered to the purchaser by the tax payer, if the land is not restored to him upon comply-

ing with the foregoing provisions, he may recover possession of the same by an action of unlawful detainer before a justice of the peace, or an action of ejectment. The municipality of Pratt City is authorized and empowered to purchase property sold at tax sale, which sell for no more than amount of Taxes due, and the costs and charges, receiving therefor the deed of the tax collector, and is entitled to the same remedies as other purchasers for the possession of the same. The mayor and aldermen may let or use unoccupied real estate of minors, non-residents, unknown owners or persons non compos mentis until the taxes due on such property shall be paid by the rent or use thereof.

School district.

SEC. 20. Be it further enacted, That the corporate limits of the city of Pratt City shall constitute a school district, separate and apart from the remaining school districts or townships, of the county of Jefferson.

Board.

SEC. 21. Be it further enacted, That the public schools of the district of Pratt City shall be under the control and management of a board of education, to consist of five persons to be appointed by the state superintendent of education, and shall continue in office two years, or until their successors shall be appointed and qualified ; said term of office beginning on the first Tuesday in March, 1893, and every two years thereafter.

Oath.

SEC. 22. Be it further enacted, That each member of said board of education shall, upon his induction into office, subscribe an oath or affirmation, faithfully to discharge all the duties imposed on him as a member of said board.

Vacancies.

SEC. 23. Be it further enacted, That for good cause, any member of said board may be removed by state superintendent of education, and all vacancies in said board shall be filled by the state superintendent of education for the unexpired term.

Officers.

SEC. 24. Be it further enacted, That said boad of education shall elect one of their number to be president, and one to be secretary and treasurer, who shall hold their offices at the pleasure of the board. A majority of the board shall constitute a quorum for the transaction of business.

Duties.

SEC. 25. Be it further enacted, That the president shall be chief executive officer of the board, who shall

preside at its meetings; he shall be ex-officio district superintendent of education, and shall, within the district of Pratt City, perform all the duties required of county superintendents of education, except as hereinafter provided. In the event of his absence or inability to act, the board may name a temporary vice-president, who shall, during such absence or inability to act, have the powers of the president.

SEC. 26. Be it further enacted, That the secretary and treasurer of the board shall keep a true and faithful record of the proceedings; shall preserve the books of said board, and file of its papers and documents, all of which shall be open to the public inspection; and he shall also perform such other duties as may be required of him by said board; he shall receive compensation as the board of education may allow.

Record.

SEC. 27. Be it further enacted, That all the funds devoted to public school purposes in the district of Pratt City, whether derived from the state, county or district, shall be paid directly to the secretary and treasurer of said board of education, in the same manner as state and county funds are paid to county superintendents of education, and shall be dispensed in such manner as the board of education may direct, and only upon the warrant of the board, signed by the president thereof. For the faithful performance of all his duties, said secretary and treasurer shall give bond with good and sufficient security, in such sum as the board of education may fix, not less than double the amount of money likely to be in his hands at any one time; said bond to be approved by the judge of probate of Jefferson county, and filed in his office; a certified copy of said bond shall be sent to the state superintendent of education.

School funds

SEC. 28. Be it further enacted, That the secretary and treasurer shall make monthly reports to the board of education, showing the amount of money received and paid out during the month, the vouchers for the same, the amount of cash on hand, the liabilities of said board, and such other information as may be required by the board.

Reports.

SEC. 29. Be it further enacted, That the said board of education shall have power to establish such public

schools for the white race, and such public schools for the colored race, as the means and wants of the population of said school district may justify; and elect a superintendent of said school, the principal thereof, and all teachers, and remove the same for good cause; fix the compensation and prescribe their duties; and control the distribution of teachers and pupils among the various schools; dictate the course of instruction, the number and character of text books, the organization of classes or grades, the method of teaching, and shall prescribe rules and regulations for the government of the schools. Said board shall have and exercise such other and additional powers as may be necessary to give it complete control of the public school of such district, and shall perform all the duties imposed on township trustees in the state. Schools.

SEC. 30. Be it further enacted, That the plan of instruction, kind of text books, and the rules and regulations adopted by said board for the government of said public schools, shall he adhered to, unless altered by a vote of two-thirds of said board. Rules.

SEC. 31. Be it further enacted, That all bona fide residents within the corporate limits of the city of Pratt City from seven to twenty one years of age shall be entitled to seats as pupils in the public schools of said district; Provided, non-residents may be admitted into such schools on such terms and conditions as the board of education may prescribe. Pupils.

SEC. 32. Be it further enacted, That the board of education shall have authority to create a board for the examination of applicants for positions as teachers in the public schools of the district of Pratt City, and no person shall be elected a teacher in said schools who shall not have received a license from such board ; Provided, such board is authorized to carry out any contract with teachers existing at the time of the approval of this act, if they see proper. Examination of applicants

SEC. 33. Be it further enacted, That said board of education shall control, manage and disburse all revenues which may be raised by special tax or otherwise, for the maintenance of public schools in the district of Pratt City, under such rules and regulations as the board may prescribe; Provided, that where donations Control of funds.

or contributions are made to the public schools of the district of Pratt City, or to any one of them, the board shall apply the donation or contribution in the manner indicated by the party or parties contributing.

Buildings.

SEC. 34. Be it further enacted, That said board of education shall have power to buy lands for the purpose of erecting school buildings thereon, or to provide suitable school buildings by rent or purchase, and all necessary furniture, equipments or aparatus; the title to said property to be vested in said board of education and their successors in office.

May charge.

SEC. 35. Be it further enacted, That said board of education shall have power to charge in the several grades of the public schools of the district of Pratt City, such incidental or other fees as may be deemed necessary for the proper conduct of said schools.

School funds

SEC. 36. Be it further enacted, That the district of Pratt City, as a separate school district, shall receive a proportionate share of the school funds apportioned to Jefferson county, including a pro rata share of the "Sixteenth Section" fund, and all of the poll tax collected in the corporate limits of said district, and not less than seventy per cent. of license tax collected within the corporation, and all funds set apart by the state for school purposes; Provided, that not more than four per cent. of said fund derived from the state shall be used otherwise than for the payment of teachers employed in the public schools of the district of Pratt City; Provided, that the mayor and aldermen are authorized to collect poll tax from all persons liable therefor, and the payment of such poll tax to the town tax collector shall be a full discharge of the liabilities therefor to the tax collector of Jefferson county.

License.

SEC. 37. Be it further enacted, That from every person, firm or corporation conducting or carrying on any business, trade, occupation or profession within the corporate limits of Pratt City, the mayor and aldermen are authorized to collect a license tax, and to enforce the collection of such license by penalties fixed by ordinance.

Officers.

SEC. 38. Be it further enacted, That the mayor and aldermen are authorized to create all such offices and appoint all such officers as may be necessary to carry

into effect the powers conferred by this act, the terms of service, to regulate and control them in the performance of their duties, and to remove and discharge such officers and agents when they deem it proper.

Effect of this act.

SEC. 39. Be it further enacted, That the present, charter of the town of Pratt Mines is hereby repealed; Provided, that the present municipal government is continued in force until the officers elected under section 4 of this act have qualified as therein required, and provided further, that all laws and ordinances now in force shall continue in force until repealed or modified by the mayor and aldermen of Pratt City, and that no prosecution, suit or claim now pending shall be effected in any manner whatever by the adoption of this act; Provided, the mayor and aldermen of said town shall exercise all rights and powers granted in this act on its becoming a law.

SEC. 40. Be it further enacted, That all provisions of this act shall be liberally construed to enable the mayor and aldermen to carry into effect all the powers conferred hereby; be it further provided, that all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved December 13, 1892.

No. 76.] AN ACT [H. B. 267

To repeal section 7 of an act entitled an act to provide for an election in the various beats or parts of beats in the county of Clay on the subject of stock running at large in the beats or parts of beats in said county.

Section repealed.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 7 of an act entitled an act to provide for an election in the various beats or parts of beats in the county of Clay, on the subject of stock running at large in the beats or parts of beats in said county, approved December 10, 1890, be and the same is hereby repealed.

Approved December 13, 1892.

No. 77.] AN ACT [H. B. 91

To authorize the board of control of the South East Alabama Agricultural School and Experiment Station to grant a right of way through the lands of the state to the Abbeville Southern Railway Company, its successors and assigns.

Right of way

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act the board of control of the South East Alabama Agricultural School and Experiment Station shall be, and are hereby vested with authority, to grant the necessary right of way over, across, through or along the lands of the state, otherwise known as the lands of the South East Alabama Agricultural School and Experiment Station, near Abbeville, in Henry county, to the Abbeville Southern Railway Company, its successors and assigns, provided said railway, when constructed, shall extend from some point on the Alabama Midland Railway to said town of Abbeville.

Approved December 12,1892.

No. 78.] AN ACT [H. B. 71

To prohibit the sale, giving away of vinous, malt or spirituous liquors or other intoxicating bitters within six (6) miles of Center church, in precinct No. 7, in Henry county, Alabama.

Prohibition

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act it shall be unlawful for any person or persons to sell or give any vinous, malt or spirituous liquors, or other intoxicating bitters, within six (6) miles of Center church in precinct No. 7, in Henry county, Alabama.

Penalty

SEC. 2. Be it further enacted, That any person or persons violating the provisions of this act, shall be Guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars.

Approved December 12,1892.

No. 79.] AN ACT [s. 43

To require executors and administrators, who have claims against their decedent, to file the same or a statement thereof in the office of the judge of probate in which letters testamentary, or of administration, were granted.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever an executor or administrator has a claim or is interested in any way in a claim against a decedent of whose estate he is executor or administrator, he shall file the claim or a statement thereof in the office of the judge of probate in which letters testamentary or of administration were granted, within six months after the same have accrued, or within eighteen months after the grant of letters testamentary or of administration, and if not so presented within that time, they are forever barred, and such executor or administrator shall not be entitled to retain out of the assets of such estate in his hands for the payment thereof. Claims to be filed.

SEC. 2. Be it further enacted, That the provisions of this act shall apply to any assignee or transferee of any such claim by an executor or administrator.

SEC. 3. Be it further enacted, That all laws in conflict herewith be and the same are hereby repealed.

Approved December 13, 1892.

No. 80.] AN ACT [s. 187

To confirm the incorporation of the Decatur Land Company and to enlarge its powers.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation of the Decatur Land Company, heretofore had in the probate court of Morgan county, Alabama, by proceedings under the general laws, be and the same is hereby in all things ratified and confirmed.

SEC. 2. Be it further enacted, That in addition to the

Additional powers. powers conferred by the general law and its charter, the said Decatur Land Company shall have the power to purchase its own capital stock in payment for lots sold by it, or for other valuable consideration, the stock so purchased to become treasury stock, and not to be re-issued except by authority of the board of directors of said corporation. That the annual meetings of said company shall be held at New Decatur, Alabama, as provided by its by-laws; but regular or special meetings of the board of directors, and special meetings of the stockholders, may be held without the state of Alabama; but when so held, said company must, within thirty days thereafter, file a complete and accurate copy of the minutes of said meeting with the custodians or its office in New Decatur, Alabama, and that it may transact business without said state, such as is authorized by its charter.

Approved December 13, 1892.

No. 81.] AN ACT [s. 114

To incorporate the Cherokee Mineral Railroad Company.

Corporators. SECTION 1. Be it enacted by the General Assembly of Alabama, That James F. Burnett, R. B. Smyer, J.L. Burnett, W. H. Burnett, W. A. Smyer, W. F. Smyer and W. W. Brandon, of Cherokee county, Alabama, E. J. Smyer of Jefferson county, Alabama, and John S. Cleghorn of Chattooga county, Georgia, and such other persons as they may associate with them, be and they are hereby constituted a body politic and corporate by the name of Cherokee Mineral Railroad Company, and by that name, or by such other name as the stockholders after their organization may adopt, are hereby authorized to make such contracts, have and use a common seal, sue and be sued, and to do any and all acts and have all such powers properly incident to and connected with corporations, and necessary for the organization, control and transaction of the business of a railroad corporation. That such company shall have

the power to buy and sell, have and to hold real and personal property, to mine and sell stone, iron ores and other minerals and have and enjoy and secure their franchise within any other state that has granted, or may hereafter grant, authorize or permit the same.

Powers.

SEC. 2. Be it further enacted, That said company shall have power to survey, locate and construct, alter, maintain, equip and operate a railroad from any point at or near Lyenly, Georgia, on the state line between Chattooga county, Georgia, and Cherokee county, Alabama, running in a southerly direction along and near the base of Dirtcellar Mountain on the east side to Cedar Bluff', Alabama, and thence in a southerly direction from that point at the option of the majority of the stockholders of said company, after its organization. Said company shall have power to locate, survey and operate said road on the most direct and practicable route to be determined by said company. Said company shall have power to locate, survey, construct, alter, maintain, equip and operate open tracks, side tracks, switches, branch lines and tram car lines in any direction from the main line aforesaid to any manganese, stone, iron ore or other ore bed or mineral deposit or to any collection of valuable timber along or near said, main line. To receive and carry passengers and freight for reasonable or legal compensation, which they are empowered to collect; to open books and procure subscriptions in any manner and at such time and place as may be thought proper by said above named incorporators and their associates; to borrow money, to issue and sell bonds not to exceed the capital stock of said company, to make contracts on account of said road, and to lease, mortgage or sell the same if they choose.

Capital stock

SEC. 3. Be it further enacted, That the capital stock of said company shall be fifty thousand dollars, and shall be divided into shares of one hundred dollars each. That the stockholders of said company shall have the right and power, by a majority vote of the stockholders at any time, to increase the capital stock to an amount not exceeding five million dollars; said stock shall be deemed personal property, and may be transferred in such manner as the by-laws of said com-

pany may direct. The stockholders shall elect a board of directors, and each share of stock shall be entitled to one vote. The board of directors shall elect one of their number president, and such other officers as they may deem necessary, each director being entitled to one vote in such elections.

SEC. 4. Be it further enacted, That said company, through its directors or such agent or person as a majority of them may designate, shall have power to purchase and hold in fee simple, or receive as a gift or devise, any lands, tenements or hereditaments necessary fur the building, equipment, furnishing or operating said road or any of the mines of said company; also all material for its use, and all rights of way over lands and in all water courses that lie along or across said line of railroad, and that may be necessary for the purpose aforesaid.

SEC. 5. Be it further enacted, That the said com-
Right of way pany is hereby authorized, for the purpose of constructing said railroad, to lay out the same not exceeding one hundred feet wide, it being fifty feet each way from the center of the track of said road, and for the purpose of constructing necessary buildings and for convenient operation of the railway, and for the purpose of protecting its structures may take as much more land as the necessities of the company may from time to time require, such taking being governed by the laws and constitution of this state regulating the taking of private property under the general incorporation laws.

SEC. 6. Be it further enacted, That the right of way through any lands of the state, through which it may be necessary to pass in the construction of said road, is hereby granted to said company.

SEC. 7. Be it further enacted, That said railroad company may cross or build along the right of way of any other railroad company for a distance of not more than ten miles, and said railroad may be built across, or on or along any of the highways of the country, or across or along any of the streets of any incorporated town, district or city through which it may be necessary to enter or pass, or across any navigable waters along the route; Provided, that, the said highways and streets shall, after the construction of said railroad thereon,

be restored to as good condition as practicable, and in crossing any navigable stream they shall place therein a drawbridge or other bridge giving a clear passageway to steamboats or other water crafts, and the consent of incorporated towns, districts or cities shall first be had to the use of the streets or alleys for such right of way before the same shall be used and occupied.

When may begin.

SEC. 8. Be it further enacted, That said company may begin operations whenever ten per cent. of the proposed capital stock shall have been subscribed by bona fide subscribers, of whose solvency the board of corporators shall be satisfied; and when at least two per cent. of the subscriptions shall have been paid in to the persons authorized to receive it, and when the subscribers whose subscriptions are dischargeable in labor, services or property at its money value, shall have entered into written contracts to perform such labor or render such services or to convey and deliver such property at such time or times as the board of directors may require.

Roadway.

SEC. 9. Be it further enacted, That for the purpose of constructing said railroad branches and tramroads, the said company is hereby authorized to lay out the same not exceeding one hundred feet wide; Provided, that no such property shall be taken or applied unless just compensation to the owners shall be made as required by the constitution of this state; but said company may previously enter upon any lands for the purpose of surveying, locating and laying out its sail railroad and structures.

May condemn lands.

SEC. 10. Be it further enacted, That said company shall have the right to condemn lands for rights of ways for its said railroad, branch roads or tram roads under the general laws of this state relating to ad quod damnum proceedings. That said company shall be governing by the general laws of this state governing railroad companies, wherein they are not in conflict with this act.

Telegraqh.

SEC. 11. Be it further enacted, That said railroad, company shall have the right and power to build, equip, and maintain depots, telegraph or telephone lines along said railroad or its branch roads, both for its own us3 or for the purpose of doing a public telephone or telegraph business.

By- laws. SEC. 12. Be it further enacted, That said company shall have full power to make such by-laws and rules as may be deemed necessary or convenient for the objects of this association, not inconsistent with existing laws.

SEC. 13. Be it further enacted, That this act shall be operative and in effect ten days after its passage by the General Assembly of Alabama and its signature by the governor.

Approved December 13, 1893.

No. 82.] AN ACT [s. 27

To vest title to homestead and exempt personal property in the widow, or widow and minor children, or minor children in estates that do not exceed the amount of exemption.

Be it enacted by the General Assembly of Alabama,
Title vested. That whenever the estate of a decedent who dies leaving an estate less in value than the amount exempted by law, either real or personal, or both, is set aside as provided by law, to the widow, or to the widow and minor children, or to the minor children, the title to the property so set aside, whether real or personal, or both, shall vest absolutely in fee, in such widow, or widow and minor children, or minor children.

Approved December 13, 1892.

No. 83.] AN ACT [s. 137

To amend sections 1, 2, 3 and 4 of an act approved December 9th, 1890, entitled an act to prevent stock from running at large in Pike county.

SECTION 1. Be it enacted by the General Assembly of
Lien on stock Alabama, That it shall be unlawful for the owner of any horse, mule, ass, cow, hog, sheep or goat in Pike county knowingly, voluntarily, negligently or wilfully

to permit any such animal to go at large off the premises of said owner; and the owner of such animal so permitted to run at large shall be liable to any person injured thereby for all damage done to the fruit or shade trees, ornamental shrubbery or crops of such person or persons, to be recovered before any court of competent jurisdiction; and the judgment of the court, when against the owner of any such stock so depredating, shall be a lien on the stock causing the injury, in addition to other execution and judgment liens provided by law.

Who may take up.

SEC. 2. Be it further enacted, That any person who is the owner of, or in the lawful possession of any land, or the agents of the same, shall have the right to take possession of any animal named in the preceding section, if found at large and uncontrolled on the premises of such persons; and when so taken up, shall notify personally the owner of such animal when known, or by leaving such notice at the usual place of residence of such owner within twenty-four hours after such seizure. If the owner is unknown, twenty-four hours notice of such seizure shall be given by posting up written notice of such seizure, describing the property so seized, at the usual place of residence of the nearest justice of the peace in said county. The person so taking up such animal shall be entitled to possession of the same until the judgment which may be recovered in the preceding section is paid, together with the costs of the same, or until the same is sold under execution to satisfy such judgment, or until the damages which may be ascertained as hereinafter provided shall be paid.

Damages, trial, etc.

SEC. 3. Be it further enacted, That the owner of any animal which has been seized as provided in section two of this act, shall have the right to the possession of the same by paying such judgment and the cost thereof, or by paying the damages, fees and costs and expenses due on account of such seizure to the person so seizing such animal; but should the parties be unable to agree upon the amount of damages, fees and costs and expenses due, either party shall have the right to go before any justice of the peace within the beat where such stock is seized or taken up, or the nearest justice of the peace should there be none within the beat, and

have the issue tried instanter or as soon as practicable, on a written statement or complaint setting forth in substance the facts of such seizure, first giving the opposite party one days notice thereof, and said issue shall involve the validity of such seizure, the amount of damages, fees, cost and expenses under the provisions of this act, and the judgment of said justice of the peace shall have all the force and effect of a judgment in any other case at law, and be executed in the same manner as any other judgment of a justice's court is enforced, and on the trial of such issue the party taking up such animal shall be the plaintiff in the action; Provided, the damage so assessed does not exceed fifty dollars. In case the owner is unknown, the Justice of the peace shall determine the validity of the seizure and the amount of damages, fees, costs and expenses under the provisions of this act, from such evidence as shall be adduced before him.

SEC. 4. Be it further enacted, That if the owner or
Sale. his agent shall not, under the provisions of this act, reclaim his animal in twenty-four hours after the justice of the peace shall have ascertained such damages, then the justice of the peace shall order the same sold by the constable of the precinct, or by some one appointed to act as such, and the constable, or the person appointed to act as such, upon the making of such order, shall sell the same upon giving three days notice of such sale by posting a written or printed notice at each of three public places in the precinct in which such injury occurred, and out of the proceeds pay the expenses of such sale and of taking up and of the fees and damages due to the taker up and of giving notice and of making the order of sale, and the balance must be paid back to the owner of such animal, if known, and if not known, then into the county treasury. The justice shall be entitled to fifty cents for making the order of sale, and the constable, or person appointed to act as such, shall be entitled to one dollar for making such sale and posting the requisite notice.

Approved Dec. 13, 1892.

No. 84.] AN ACT [s. 46

Authorizing suits on attachment bonds.

Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, defendants in attachment suits may bring suits on the attachment bond for the wrongfully or vexatiously suing out said attachment in the county where the attachment is levied, or in the county where the plaintiff in attachment, or any one of his bondsmen, resides. Suits on bond.

Approved December 13, 1892.

No. 85.] AN ACT [s. 54

To regulate the times of holding circuit courts in the western division of Blount county, and to provide records therefor, and to require the clerk of the circuit court of said county to keep a deputy clerk and office at Bangor, in said western division.

SECTION 1. Be it enacted by the General Assembly of Alabama, That there shall be held two terms of the circuit court in each year in the western division of Blount county, at the court house at Bangor. That the first term in each year shall commence on the second Monday in June and may continue two weeks, and the second term shall commence on the second Monday in December in each year and may confine two weeks. That the civil business in such court shall be taken up and disposed of during the first week of each term of said court, and the criminal business shall be disposed of during the second week of said court; Provided, that in the opinion of the judge at any terra of the court, the business, both civil and criminal, can be tried and disposed of in one week at the next term of the court, then it shall be his duty to make an order on the minutes of the court, fixing the days during the first week of the term of the court on which the civil business and the criminal business shall be taken up and disposed of, and the judge in and by said order shall direct that Terms of court.

a petit jury shall only be drawn and summoned for such first week of said court.

Duties of clerk.

SEC. 2. Be it further enacted, That the clerk of the circuit court of Blount county shall keep his office as now provided by law at Oneonta, in said county, and that he shall also keep seperate dockets and records of the business of said court and of the causes pending for trial in the western division at Bangor, and he shall attend the sittings of said court at Oneonta and Bangor.

Deputy clerk

SEC. 3. Be it further enacted, That the clerk of the circuit court of said county of Blount shall appoint a deputy clerk of the circuit court, who shall keep his office in said town of Bangor, and in manner as now That it shall be the duty of said deputy, in the name of the clerk, to sign and issue all process in cases arising in the western division of Blount county, and in said court, of every nature and kind, in the same manner as the principal or clerk of said circuit court could do himself. That it shall be the duty of said deputy clerk to take charge of and keep all papers, books and records belonging to said circuit court in said western division, which shall be open and subject to inspection, as now provided for by law, in cases of papers and records of the circuit courts in this state. That such deputy shall, in the name of the clerk of the circuit court of Blount county, have, perform and execute all the powers for said western division, and in the name of the clerk, which the clerk could do, if present.

SEC. 4. Be it further enacted, That the clerk of the circuit court of Blount county shall be liable, on his official bond, for all the wrongful or illegal acts and doings of such deputy clerk, while in the discharge of such duties. That before entering on the duties of his office, such deputy shall be required to take an oath and file the same in the office of the probate judge of Blount county, as required of officers in this state; and the clerk of the court aforesaid may require such deputy, before entering on the duties of such office, to enter into bond payable to such clerk in a sum not exceeding five thousand dollars, with condition faithfully to discharge the duties of such deputy according to law, so long as he discharges any of the duties thereof,

and to pay to his principal all such damages as the principal may sustain by his wrongful or illegal acts, or on account of a failure to discharge such duties, or any one thereof.

SEC. 5. Be it further enacted, That all laws in conflict with this act are hereby repealed.

Approved December 13, 1892.

No. 86.] AN ACT [s. 24

To authorize the clerk in the office of the judge of probate to discharge the ministerial duties of said office, pending a vacancy therein.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever a vacancy shall occur in the office of the judge of probate, the clerk in said office shall, during such vacancy, and until the qualification of a lawful successor, perform all the ministerial duties of said office, as contemplated by sub-division 6 of section 795 of the Code of 1886, including (but not limited to) the issuance of marriage licenses, the filing and recording of conveyances, and the continuances of causes or proceedings pending in said court; all such duties to be performed by such clerk in his own name as clerk of the probate court, and he shall be entitled to the lawful fees therefor; but such clerk shall not be authorized to receive money on decrees or executions, or become the custodian of trust funds pertaining to said court. For his official acts hereunder, such clerk, and the sureties on his bond to the judge of probate, shall be liable to persons injured, according to the legal effect of official bonds as declared by statute.

Duties of clerk.

SEC. 2. Be it further enacted, That any such clerk who shall fail or refuse on demand to deliver all the books, papers, property and money belonging or appertaining to said office, to the lawfully qualified successor of the judge of probate, may be proceeded against as provided bychapter6, title 5, parti of the Code of 1886; and for such failure or refusal, such clerk shall, on conviction, be fined not less than two hundred dollars.

May be proceeded against.

Approved December 13, 1892.

No. 87.] AN ACT [H. B. 456

To establish a new charter for the City of Sheffield, in the county of Colbert, State of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the City of Sheffield, in the county of Colbert, state of Alabama, shall be and continue a body politic and corporate by the name and style of the City of Sheffield, and the mayor and aldermen of said city shall be styled the City Council of Sheffield, and by that name for said City of Sheffield may sue and be sued, contract and be contracted with, receive and grant and do all other acts as natural persons in respect to the powers herein granted; may purchase and otherwise acquire and hold real, personal and mixed property and dispose of the same for the use and benefit of the city; and it may have and use the city seal and the same change and alter at pleasure.

Name.

SEC. 2. Be it further enacted, That the City of Sheffield shall include within its corporate limits, all that part of section twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty-one (31), thirty two (32), thirty-three (33) and thirty-four (34), township three (3), range eleven (11) west, lying in Colbert county, Alabama, shown by a map entitled "Map of the City of Sheffield, Colbert County, Alabama," recorded in the office of the judge of probate of said Colbert county, and to include in said corporate limits, all parks, landings and unsurveyed and unplatted lands shown on said map, which said map was prepared by J. J. Treveres, engineer, but excluding from said corporate limits all that part of section thirty-one (31) lying west and south of what is known as Spring creek.

Corporate limits.

SEC. 3. Be it further enacted. That said city council shall have police jurisdiction of the territory in said corporate limits and within two miles thereof, but not including any of the corporate limits of Tuscumbia or Florence. The territory outside of said corporate limits, embraced within said police jurisdiction, shall be known as the police limits of said city. No spirit-

Police jurisdiction

uous, malt, vinous or intoxicating liquors shall be sold or given away in said police limits. Persons violating: any of the ordinances of said city within said police limits shall be guilty of a misdemeanor, and liable to the same punishment by said corporate authorities as for the violation of said ordinances within the corporate limits.

SEC. 4. Be it further enacted, That all male citizens and residents of the police limits, over eighteen and under forty-five years of age, shall be liable to patrol duty, and to serve as guard or watch at, such times and in such manner as may be prescribed by the city council. Patrol duty.

SEC. 5. Be it further enacted, That it shall be the duty of said city council, as soon after the passage of this act as practicable, to divide the territory contained in the corporate limits of said city, into not less than four wards, and the number of wards may be increased or diminished, and their boundaries changed by said city council, at such times as in their judgment, the best interests of the city may require; Provided, no change in the number or boundaries shall be made within ninety days preceding any municipal election; and Provided, that the number and boundaries of the wards, as the same shall be established hereunder, such changes shall not go into effect until the next municipal election, when the officers shall be elected under such changes. Wards.

SEC. 6. Be it further enacted, That the government of said city shall consist of, and its corporate powers shall be exercised by, a mayor and two aldermen from each ward, constituting the city council, two of said aldermen to be elected by and from each ward. No person shall be eligible to or hold the office of mayor except a qualified voter of said city, and bona fide freeholder in &aid city, and who shall have resided therein one year next preceding his election; and no person shall be eligible to, or hold the office of alderman except a qualified voter of said city, who shall have resided therein one year next preceding his election, and who is a freeholder in said city and a resident and voter in the ward from which he shall be City government.

elected, and shall have resided in the ward from which he is elected, three months next preceding his election ; Provided, that all persons who shall have resided in the territory described as the corporate limits of said city under section 2 of this act, the proper time hereunder, and with all other qualifications in this section contained, shall be deemed citizens of said city and be eligible to election to said offices.

SEC. 7. Be it further enacted, That an election shall be held on the first Tuesday in May, 1893, and biennially thereafter, for a, mayor, two aldermen for each ward ; one member of the board of public works for each ward; one school commissioner for each ward; one park commissioner for each ward and a city treasurer. The mayor and city treasurer shall be elected by the voters of the city at large; all other of said officers shall be elected for their respective wards. by the voters of such wards only. The mayor and aldermen shall each be bona fide freeholders in said city; all other officers must be householders or freeholders in said city, together with any other qualifications in this act contained.

Elections.

SEC. 8. Be it further enacted, That no person shall be qualified to vote at said election except the male inhabitants of said city, of and over the age of twenty-one years, who have resided in the said city three months and in the ward in which they propose to vote thirty days, and in the state for twelve months next preceding such election, and are qualified electors under the general election laws of the state, and are registered as hereinafter provided. The polls shall be opened between the hours of 8 and 9 o'clock A. M. and be closed at. 5 o'clock p. M. Should the election not take place on the day fixed for the bi-ennial election of mayor and aldermen, the corporation shall not for that cause be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified; and it shall be the duty of the city council to fix some day, as early as convenient within one month thereafter, on which the said election shall be held; and should the city council fail or neglect to provide for the election as herein directed, they shall be guilty of a misdemeanor. The mayor, aldermen,

Qualified voters.

clerk, treasurer and police of said city shall be exempt from jury duty. Exempt from jury duty.

SEC. 9. Be it further enacted, That said election shall be conducted according to the law governing elections for officers under the laws of this state, except as declared in this act; but no person shall be entitled to vote at said elections in said city unless he possesses the qualifications mentioned in the seventh article of ths constitution of this state, and shall have resided in said city three months, and in the ward in which he proposes to vote thirty days, and shall have caused himself to be registered in the ward of his residence in the manner hereinafter provided, and shall have produced and surrendered to the inspectors of election at the polling place of said ward the original certificate of such registration hereinafter provided for. Registration certificate.

SEC. 10. Be it further enacted, That at said election there shall be one polling place in each ward, and it shall be the duty of the mayor and the city clerk to provide for the opening of the said polls and to give thirty days notice by publication in two newspapers, if such there be in said city, representing different political parties, if such parties exist, of the time and place of holding such election, together with the names of the inspectors of elections for each polling place. The said city council shall appoint said inspectors who shall perform the duties of returning officers. The number of said inspectors so appointed shall be three for each polling place, who shall be qualified electors in the wards for which they are appointed, and shall be selected one from each political party where two or three such parties exist. And in case any, either or all of said inspectors should fail or refuse to act at the time and place provided under this act, then the electors present at the polling place of such ward shall elect some qualified elector or electors to fill such place or places. Before undertaking their duties, each inspector shall take an oath, which may be administered by any elector present, to perform the duties of his position fairly and impartially and according to law. Polling places. Inspectors.

SEC. 11. Be it further enacted, That at least ten days before the first Monday in April, next preceding each city election, it shall lie the duty of the city coun- Registration.

oil to appoint one person for each place of registration to act as registrar of voters; the place of registration in each ward shall be selected and named by the city council. Said registrars shall respectively commence the registration fifteen days preceding the day of election and shall continue the same for six consecutive working days, from 9 o'clock A. M. to 5 o'clock P. M. At the end of this time, said registration shall close. Each of said registrars shall give at least five days notice by advertising in some newspaper published in said city, of his appointment and of the time and place where and when he will attend and make registration of voters as hereinafter provided. All rules and regulations governing registration for state and county elections, not in conflict herewith, shall govern registration for city elections. The city registrars' compensation shall be fixed by the city council.

Registors.

SEC. 12. Be it further enacted, That before entering upon the discharge of his duties, each of the said registrars shall make and subscribe an affidavit before some officer authorized to take affidavits, that he will faithfully and truly perform the duties of registrar by this act imposed upon him, and that lie will honestly, without fear, favor or affection, or prejudice, and without reward or the hope thereof, cause registration to be made of all persons who may personally apply therefor and show that they are legally entitled to vote at the next ensuing election, and of no other person. Said affidavit shall be filed by said registrar in the office of the city clerk. For every wilful violation of their duty as said registrars, they shall, on conviction, pay a fine of two hundred dollars for the use of the city of Sheffield.

Printed lists.

SEC. 13. Be it further enacted, That as soon as practicable the mayor of said city shall cause at least fifty carefully corrected copies of each of said registration lists of the city to be printed, and shall furnish to each of the inspectors of election one printed copy of the registration lists to be used at such election; one of these copies shall be designated and used by each set of inspectors as their official copy, and shall be by them returned with the ballots cast at such election as part of their official returns as herein directed. It

shall be the duty of said mayor, at least four days before the election, to post in some conspicuous place at or in front of the city hall or post office in said city, one copy of registration list; the original of said list and the certified manuscript copies as received from the registrar, shall, after said printed lists have been prepared by the mayor, be deposited with the city clerk to be preserved among the records of said city, said original lists to be used, however, by the inspectors of said election.

SEC. 14. Be it further enacted, That the inspectors of said election shall not receive the vote or ballot of any person whose name does not appear on the registration list as being registered in the ward in which he proposes to vote, as furnished by the mayor, and who does not, at the time of voting, present and surrender to the inspectors of election his certificate of registration issued to him under the provisions of section 11 of this act, to be by said inspectors then and there cancelled; and who does not, on demand, make satisfactory proof of his identity with the persons whose name may be on said registration list. For the purpose of such election, the printed lists furnished to the inspectors by the mayor, and hereinbefore described as the official lists, shall be taken as correct, but subject, if error be alleged, to be corrected by comparison with the original registration lists for that ward; which, for that purpose, shall be in the custody of the inspectors at the time and place of such election. Upon the receipt of any vote by the inspectors, they shall forthwith draw a line with red ink on said official registration list over the name voted. The said inspectors shall, immediately after the polls are closed, proceed to count the ballots cast at their respective polling places, at which count at least one representative of each candidate may be present. They shall enclose the ballots cast in their respective boxes, with the poll list and registration list of the city for that ward, and the certificates of registration surrendered at the election, together with their said certificates of the result, in the box in which is placed the ballots received at such election, and, after carefully sealing the same, deliver said box, with its contents, to the clerk of said

Inspectors; duties of.

city, who shall give to said inspectors his receipt for said box, stating in said receipt the condition when received by him, and said clerk shall deliver said boxes to the inspectors when they assemble at the city hall to certify the result of such election as hereinafter provided.

SEC. 15. Be It further enacted, That the inspectors of election of the respective wards, or a majority of them, shall issue a certificate of election to the persons receiving the highest number of votes for the respective offices of such wards; and when the persons are elected from the city at large, then the certificates of election shall be issued by all the inspectors of election for all the wards of the city, or a majority of them, who shall assemble at the city clerk's office at 10 o'clock on the day following the election, and make an aggregate of the total vote cast at such election for the respective offices, and issue to those receiving the highest number of votes for each office a certificate of election, which the city clerk shall attest by affixing the seal of the city; Provided, that at such meeting at least two of the inspectors from each ward shall be present , And provided further, that if any of such inspectors shall fail to attend at the time and place specified, he shall be guilty of a misdemeanor, and, on conviction, be fined not less than twenty dollars nor more than one hundred dollars, and may be imprisoned in the city jail not more than thirty days, either or both.

Cerificate of election.

SEC. 16. Be it further enacted, That any person offering to vote at any municipal election in the City of Sheffield may be challenged by either of the inspectors or by any qualified elector of said city; and it shall be the duty of any inspector to challenge any person offering to vote whom he knows or suspects is not qualified under this act as elector. When any person is challenged, if his ballot be not withdrawn, one of the inspectors must tender him the following oath, which must be subscribed by such person "I do solemnly swear (or affirm) that I will fully and truly answer all questions that may be put to me touching my qualifications as an elector." The inspectors, or any of them, must then examine him as to his qualifications under this act. When a vote is so challenged,

Challenges.

unless the inspectors, or a majority of them, are satisfied that the person is entitled to vote at such election, it shall be placed in a box separate from the one in which the votes are deposited, and such challenged person shall have the right to appear before the inspectors, immediately after the poll is closed, with such witnesses as he may see proper to introduce. And the person challenging such vote, or the inspectors, may, if they see proper, appear and show cause, if any, why such challenged person should not be permitted to vote; and, after hearing all the evidence, the inspectors, or a majority of them, shall decide whether such vote shall be counted or not. All the votes cast at such poll, whether counted nor not, shall be deposited with the city clerk.

SEC. 17. Be it further enacted, That any person who falsely personates another and thereby casts a vote to which he is not entitled, or thereby obtains registration as a voter to which he is not entitled, or attempts by such false personation of another to obtain such registration, or having once voted at such election, votes the second time, or attempts to vote a second time, whether in the same ward or another, or shall vote at such election when not entitled to do so, or shall falsely cause his name to be registered as a person entitled to vote when he is not entitled, or shall falsely attempt to do so, or after having once obtained registration in any ward shall cause himself to be registered a second time, or attempt to obtain a second registration, whether in the same or another name, or whether in the same or another ward, or shall aid or assist another not entitled, knowing him not to be entitled to vote or obtain registration as a voter, or shall wilfully give a false answer to any question put to him by any inspector or registrar, shall be guilty of a felony, and, on conviction, shall be punished by imprisonment in the penitentiary, or hard labor for the county for the space of not less than six months nor more than one year. Voting illegally.

SEC. 18. Be it further enacted, That the ballots cast at any election held under this act shall, after the same are counted, be sealed up by the inspectors of election of said city and deposited with the clerk of Ballots.

Colbert county, Alabama, who shall preserve the same for twenty days after the election is declared; and then; if there is no contest, the said clerk shall destroy the same; but, in the event of a contest, the same shall be delivered to the judge trying the same.

SEC. 19. Be it further enacted, That any election held under this act, may be contested in the same manner as is or may be provided by the laws of the state for the contest of the election of judge of probate, which shall, so far as applicable, apply to the contest of elections held under this act.

Contests.

SEC. 20. Be it further enacted, That a majority of the city council shall be required to transact any corporate business, but any number not less than three may assemble at their regular place of meeting and adjourn from day to day, or to a day certain, and compel the attendance of absent members in such manner and under such penalties as the city council may prescribe; that the city council may determine the rules of its proceedings, and may fine its members for absence or disorderly behavior. In the absence of the mayor at any meeting of the city council, the members present may select a presiding officer, and in case of sickness or temporary absence from the city, or inability to serve from any other good cause, he may appoint any one of the aldermen to act as mayor during such sickness or absence or inability; and such mayor pro tempore shall have all the powers of the mayor and shall perform all the duties of the same.

Council meeting

SEC. 21. Be it further enacted, That it shall be the duty of the mayor to preside and keep order at the meetings of the city council; he shall call special meetings of the city council whenever, in his opinion, the interests of the city require it, or at the written request of three aldermen. He shall keep an office in said city and hear and determine all cases of violation of all by-laws and ordinances, or charter of said city, and punish the offenders in such manner as the city council may direct; he shall receive such fees and salary as may be prescribed by the city council, and the mayor shall possess within the corporate and police limits of said city all the powers and jurisdiction of a justice of the peace in both civil and criminal cases,

Duties of mayor.

and shall be subject to all the corresponding duties and liabilities of a justice of the peace ; Provided, that he shall not be required to take jurisdiction, try or determine any cause, civil or criminal, as ex officio justice of the peace, that has not already come before him as mayor of said city. From any judgment or decision of said mayor as such, an appeal may be taken by the defendant to the next term of the circuit court of Colbert county, upon the defendant's entering into bond payable to the city council of Sheffield with two good securities for such sum as the mayor may require, not less than twice the amount of the fines and costs, conditioned to prosecute such appeal to effect and to pay and discharge such judgment as the circuit court may render; Provided, that such appeal be taken or fully forfeited within five days after the rendition of such judgment by the mayor. The said appeal, when so taken, shall stand for trial at the first term of the circuit court of Colbert county, and shall then be tried and determined de novo unless some good cause be shown for a continuance. The mayor shall have jurisdiction of all proceedings by motion, scire facias or other writ instituted for the collection of any penal bond payable to &aid city council of Sheffield, taken under this act or under the ordinances of said city passed in pursuance of this act; and from the judgment rendered in such proceeding, execution may issue and be enforced, as executions from justices court. The said mayor shall have the right, when the good or safely of the city may require it, to call upon or require the aid of the sheriff of Colbert county for the protection of said city; he may punish any contempt while holding court or while the city council is in session by fine not exceeding twenty five dollars, and by imprisonment for not longer than five days, one or both; Provided, that any member of the city council, or other person, during a session of the city council, beine declared in contempt by the mayor, shall have the right of appeal to the council, whose action shall be final; Provided, further, that no sentence of contempt against a member of the board shall be enforced until after the adjournment of the meeting; he shall, at least once in every six months, make a statement to

Appeal.

Powers of mayor.

the city council in writing of the financial condition of the city, which statement shall be published in the city; he shall have the power to suspend the marshal or any policeman until the next meeting of the city council, and during such suspension all compensation shall cease if the cause for such suspension is sustained, and report to said meeting the fact of such suspension and the cause thereof; he shall do and perform such other duties as the city council may require, provided that the mayor shall not vote upon any pending motion, resolution or ordinance except in the case of a tie when he shall cast the deciding vote.

Police force

SEC. 22. Be it further enacted, That the police force of said city shall consist of a marshal and such other policemen as the city council may from time to time by ordinance prescribe. The marshal shall be elected by the city council of said city as hereinafter provided. All other members of the police force shall be appointed by the mayor, subject to approval by the city council, and such appointment shall be made for two years unless otherwise provided by the city council; and the city council shall have full power to suspend or remove from office the marshal or any policeman for a good cause of which the judgment of the city council shall be final.

Officers elected by council

SEC. 23. Be it further enacted. That the said city council may elect or appoint a clerk, assessor, marshal, city attorney, and such other officers, agents and employees as they may see fit, and think necessary for the good government of said city, and to carry out the powers herein granted, and may prescribe the duties, liabilities and powers of all officers, whether elected by the people or by said city council, not inconsistent with this act, and may require them to give bond in such sum as they may see lit for the faithful discharge of their duties, and such other conditions as they may deem proper; and the mayor may suspend until the next meeting of the city council, and said city council may remove or discharge any of the officers, agents or employees elected or appointed by the council, at its pleasure, and said city council may suspend or dismiss the members of the police force, and discontinue the salary of such suspended or dismissed officer or officers;

the salary may be reinstated by a majority vote of the council when such officer is reinstated after suspension. The city council shall fix the salaries and compensations of all officers, agents and employees of the city when not otherwise provided by law; Provided, that if the treasurer is an officer or employee of any bank or banker, or is himself a banker, he shall not receive any salary for his services as treasurer; Provided further, that the aldermen shall not receive any salary or other compensation for their services to the city. For any breach of the bond of any city officer, agent or employee, suit may be brought in the circuit count of Colbert county, or before any court having jurisdiction, and such suit shall be conducted in the same manner as other like suits. Said city council shall keep a regular record of all proceedings, orders, regulations, resolutions, and ordinances which shall be read to the council and signed by the mayor or acting mayor, when approved by the city council, and the same shall have the force and effect of a record, and a copy thereof, certified by the city clerk, or other proper officer, shall be evidence in any court or elsewhere. Such record shall at all times be open for inspection. The council may, however, adopt a city code, or compilation of laws and ordinances, without setting out the same in full in this record.

Proceedings.

SEC. 24. Be it further enacted, That the board of public works shall have charge, control and management of the erection, repairs and maintenance of all city buildings except the public school buildings; the construction, repairs and maintenance of all sewers and drains, and the construction, repairs and maintenance of all streets, avenues and alleys, and shall disburse all moneys appropriated for said purposes in such manner as the city council may from time to time direct, shall make monthly reports to the city council showing progress of the works and disbursements of the funds. A majority of said board shall sign warrants drawn on the city treasurer from time to time as money is needed to pay the city's obligations under said appropriations. The board will not have authority to make contracts amounting to more than the appropriations made by the council, but may

Board of public works

contract to that extent. The board of public works shall have the right to the services of the city engineer to carry out the public works they may have in hand; but the said board, by and with the consent of the council, shall have the right to avail themselves of and pay for the services of any expert they may deem necessary.

Arrests.

SEC. 25. Be it further enacted, That when the marshal or any other member of the police force of said city shall have good reason to believe that an offense has been committed against the laws of the state, or the ordinances of the city council, or that any fugitive from justice from another state is in said city or its neighborhood, and shall also have good reason to believe that the offender against the laws or ordinances, or such fugitive from justice, may make his escape unless immediately arrested, such officer shall be authorized forthwith to arrest such offender or fugitive from justice without any warrant issued therefor, either in said city or anywhere in Colbert county; but in all such cases of arrest, the officer making same shall immediately take the prisoner before a justice of the peace or other officer having power to investigate the charge, and make complaint to him of the offense charged against the prisoner; and such justice or other officer shall take jurisdiction of the case and proceed as in other cases when a complaint is made of a violation of the law; and in all cases of arrest, as above provided, if any officer is indicted or complained of to the mayor or city council for a breach of the peace or other offense, he shall have the right on his trial to be examined as a witness and give evidence of the reasons which induced him to make such arrest.

Powers.

SEC. 26. Be it further enacted, That said city council shall have full power and authority: 1st, To make, adopt and declare motions, resolutions, by-laws, ordinances and orders, in whatever manner and upon whatever subject they may see fit to carry out any of the powers by this act granted, and for the good government and order of said city, and to affix thereto such penalties for violations of the same, by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the city not exceeding thirty days,

either or both; and all persons convicted for breach of any of the by-laws or ordinances, or charter provisions, failing to pay or secure such fine, may be imprisoned for such failure, or placed at hard labor for the city until such fine and costs are paid, in such manner and for such time as the said city council may by ordinance provide, not longer than one hundred days. 2d. To pass all Jaws and ordinances necessary and proper to prevent contagious or infectious diseases being introduced into said city: to establish and regulate an efficient quarantine within said city and within five miles thereof, and to punish any breach of its quarantine laws or ordinances; to maintain the health and cleanliness of the city, and to this end, to adopt and maintain an efficient system of sewerage; to adopt such ordinances and regulations as the council may deem necessary or expedient for the protection of health, and to maintain the good sanitary condition in public places and private premises. 3d. To prevent and remove all nuisances at the expense of the person causing the same, or upon whose premises the same may be found, and to declare the costs of such removal to be a lien upon the property from which the nuisance is removed, and to collect the same either by fine or as taxes are collected; to prevent owners of property in the city from having or permiting pools or ponds of stagnant water thereon and to cause the same to be removed at the cost* of the owner and to punish any failure on the part of the owner so to do by fine or imprisonment, either or both; to control and regulate slaughter houses and confine same within specified limits within the police jurisdiction of the city. 4th. To aid, establish, set up and regulate hospitals, poorhouses, workhouses and houses of correction, 5th. To license, tax, regulate or restrain theatrical or other amusements ; and the selling, retailing, wholesaling or giving away of vinous, malt, spirituous or intoxicating liquors, and to close houses and places for the sale or giving away of such liquors when, in the opinion of the council, the public safety or peace may require it. 6th. To regulate, license, restrain or prohibit gaming, gambling houses, and houses of ill-fame. 7th. To prohibit disorderly conduct, breaches of the peace, riots,

Powers.

Powers. unlawful assemblies and public indecencies; and to restrain, license, or prohibit chicken-fighting and all other gaming or sports. 8th. To appoint and regulate night and day watchmen, police and patrol, and to maintain a police force of such officers as may be necessary. 9th. To establish, regulate, and control markets and market-houses, and to pass by-laws and ordinances regulating the sale of meats, vegetables, fish and other like articles within certain places and within certain hours. 10th. To sink, repair, and regulate public wells and cisterns, to establish fire-plugs and public hydrants; to make all needful provisions for the supply of the city with water, electric or other lights and to control street lamps and lights; to contract for the lighting of the city and its supply with water, and for rates for light, heat and water to private consumers. llth. To maintain crematories for the destruction of garbage and like substances either within or without the city limits. 12th. To establish streets, avenues and alleys, and regulate and control the pavements and curbing thereof and the fixing and giving grades; to compel the removal of obstructions from any highway in the city, and to open, alter, widen, extend, grade, cut down, fill in and pave or otherwise alter and improve all streets, avenues, sidewalks, alleys and public places of said city; but the said city council and said city shall not be liable for failure to exercise this power. 13th. To establish and build drains, sewers, aqueducts and reservoirs and to regulate the same, and to pass all laws, ordinances and resolutions to compel owners of lots or real property to ditch and drain same at the expense of the owner, and to punish any refusal or neglect of such owner or third person in charge of such lot or property. 14th. To establish, lay out and improve public parks and regulate the same. l5th. To establish, regulate or change fire limits within said city, and to pass all laws necessary for the protection of the city against fire, and for this purpose may remove any wooden building or other structure, paying the owner thereof a reasonable price therefor; to determine within what limits wooden or other character of buildings shall not be erected, and to prevent

Powers.

the reconstruction, repair or enlargement in wood or other inflammable material of buildings within such limits, and to condemn buildings and verandahs and parts thereof which are dangerous or insecure, and to tear down the same when the owner, on notice, fails to do so; to regulate or prohibit the erection of awnings or verandahs on or over the sidewalks or streets of the city; to regulate and control the erection of powder magazines within three miles of the city limits, and to prevent explosives and dangerous substances from being stored within the city. and to regulate the manner in which explosives may be hauled or kept in the city. 16th. To own, lay out, improve, control and regulate city cemeteries either within or without the city limits, and to sell burial lots in the same and to control and regulate public and private burial grounds or cemeteries. 17th. To prevent the running at large on the streets of all cows, hogs or other animals, and to pass all laws. deemed necessary for the sale and impounding of such animals; to prevent live stock from being driven through the streets of the city in droves. 18th. To prevent the sale of impure or adulterated food, or the sale of diseased or unsound meats or decaye 1 fruits and vegetables, or other unwholesome articles of food. 19th. To authorize the use of the streets of the city for horse, steam or electric railroads and to regulate the same, and to attach conditions to any grant of franchises and to compel such persons or companies to have and keep in repair such part of the streets, bridges and crossings as the council may deem proper; to regulate or restrain the use of the streets for the erection of telegraph, telephone, electric and all other systems of wires and conduits, and to require the same to be placed under ground if deemed necessary for public convenience or safety. 20th. To punish all offenses against the peace, good order, morals, health or sanitation of the city or against the rights, property, or persons of the citizens, and to punish any act which is by law a crime or misdemeanor against the state. 21st. To regulate and control the running of cars, trains or locomotives upon or across streets, avenues or alleys of said city; to

Powers.

control and regulate the speed of such cars, engines or trains within the corporate limits of said city; to compel railroad companies and street railroad companies to light their tracks and to furnish proper accommodations for the safety and comfort of their passengers and to regulate, restrain or prohibit the switching of cars on or across the highways of the city; and to punish any failure to obey such laws or ordinances as said city council may adopt under this subdivision, by such fines or other penalties as said city council may prescribe. 22d. To pass all laws necessary for the arrest, with or without warrant, of any person against whom there is a charge made of violating any city or state law or the commission of a felony in any other state, territory or country, and to confine such person until duly discharged by law; to pass all laws needful tor the issuance and execution of search-warrants. 23d. To pass all ordinances necessary or proper to secure the safety of persons from fire in halls and buildings let or used for public assemblies, and for entertainments or amusements; to compel owners or lessees of buildings to provide fire-escapes and make provisions against fire. 24th. To make all laws necessary concerning idlers, paupers, vagrants, disorderly or vicious persons; to punish any person who, when put to hard labor for the city, fails to work faithfully, or who escapes or attempts to escape. 25th. To pass ordinances in relation to all persons carrying on business on the streets and to regulate or prohibit same. 26th. To punish all persons who in any manner obstruct or interfere with an officer in the arrest of any person or the discharge of any duty, and to punish all persons who, when called upon, refuses to aid any officer in the arrest of any person. 27th. To regulate the weighing and measuring of produce or provisions for man or beast, and to provide for the inspection and guaging of liquors. 28th. To regulate and control the manner of building partition walls and fences; prescribe rules and regulations for buildings; and to pass all ordinances necessary or proper to secure sale and strong structures; to regulate and control the cleaning and sweeping of chimnies, the use of lights, stove-pipes, flues, shops,

stables and other places. 29th. To pass by-laws and ordinances for the purpose of assessing property adjacent to any street or intersection of streets for its proportionate share of the expense of laying sewers, which said city council may deem necessary for the purpose of receiving the sewerage from houses and lots, and bettering the sanitary condition of such part of the city as the city council may deem advisable, such assessment to be made in proportion to the value of such sewers to the lots adjacent thereto.

Licenses.

SEC. 27. Be it further enacted, That the said city council shall have power to levy and collect from all persons, firms or corporations trading or carrying on any business or character of business, trade or profession, by agent or otherwise in said corporate limits, whether such business, trade, or profession is licensed or taxed by the state or not, a license tax on such business, trade or profession, but mechanics who employ no capital but, conduct their trade solely by their own labor and attention, without employees, shall not be subject to payment of license; Provided, that no license tax shall exceed the sum of two hundred dollars, except license to retail vinous, spirituous and malt liquors, which shall not be less than five hundred dollars, but the license tax on dealers in malt liquors alone shall not be less than one hundred dollars; to assess, levy and collect each year taxes on all real and personal property in said city for general purposes. To assess, levy and collect each year taxes on all real and personal property in said city for payment of bonds hereinafter authorized to be issued, and for the support of the public schools. Personal property, stocks of merchandise included, not in said city on first day of January, but brought into the city during the year, shall be assessed and taxed pro rata for the remainder of said year, from the date it may be brought into said city. The assessments herein provided for shall be made under such regulations as the city council may from time to time prescribe. Any property which may have escaped taxation in any previous year may be assessed for such years as such property may have escaped such

Taxes.

taxation; Provided, that all real and personal property used exclusively for manufacturing purposes, while in active operation, shall be exempt from taxation by said city until the expiration of six years from the passage of this act; but this exemption does not apply to any of the property of persons, companies or corporations, directly or indirectly interested in what are commonly known as commissary stores, or allow any store to be located on their premises; Provided further, that all property used exclusively for church or charitable purposes shall be exempt from taxation by said city.

Sales.

SEC 28. Be it further enacted, That the city of Sheffield shall have a prior lien upon all real and personal property assessed for taxes, prior to and superior to all other liens or incumbrances that may exist thereon, except for state and county taxes; and may sell any real or personal property upon which the owner shall have failed to pay the taxes, in such manner as the city council may by ordinance provide, but no sale of personal property shall be made until after ten days notice by advertising in some newspaper published in said city or by posting notices of the time, place and property to be sold in front of the post-office in said city and the city clerk's or mayor's offices; and no sale of real estate shall be made until after thirty days notice of the time, place of sale, property to be sold and the owner thereof, it known, by publication in some newspaper published in said city of Sheffield; but no sale hereunder shall be invalid because any property is assessed and advertised as belonging to an unknown owner, if the owner failed to return his property to the proper officers of said city. All publications provided for hereunder may be made by weekly insertion; that for sale of personal property by one insertion, and that for real estate by four insertions. Upon all sales of personal property made hereunder, the tax collector or person making such sales for said city shall deliver such property to such purchaser, if in his possession, or shall give an order therefor upon which such purchaser shall have the right to take possession of such personal property; and upon all

sales of real estate made hereunder, the tax collector or person making the sale shall execute to the purchaser certificates of purchase to the property sold, which certificates shall set forth a description of the property sold, the owner or owners if known; the amount of taxes and costs of advertising and sale, and the amount at which such land was sold and to whom; and if such property is not redeemed within the time and in the manner hereinafter provided for, the mayor of said city shall execute to such purchaser, his heirs or assigns, a deed to such property, but if the property is redeemed within the time and in the manner hereinafter provided, such purchaser, his heirs or assigns, shall deliver to the person making such redemption, said certificate.

SEC. 29. Be it further enacted, That the said city council is hereby authorized and empowered to pass laws for the sale of real estate and personal property in said city for taxes, whether said real estate and personal property belongs to resident or non-resident owners, or to persons unknown, and to authorize the sale of any one lot or subdivision of lot, or as much of the property as may be necessary to pay the taxes due and all costs and expenses, and that the owner, or any one for him, or any mortgagee, or person having a lien, be allowed to redeem the real estate so sold at any time within two years from such sale, on paying the purchaser, or the city treasurer for him, the amount of taxes, costs and expenses of sale paid by the purchaser, and fifteen per cent. interest per annum thereon from the date of such sale to the date of redemption. Any surplus arising from such sale to be paid to the city treasurer to be kept as a separate fund by said officer for the owner, upon the responsibility of his bond. When any lot or part of a lot has been assessed to an unknown owner, the assessment shall be prima facie evidence of that fact. The city council may by its agent purchase personal property or real estate sold for taxes in the event such personal property or real estate does not bring the amount due the city, with costs; and in the event of the purchase of real estate, the certificate for the same shall be made to the mayor of said city and his

Right to redeem.

successors in office, to be held by him for the city, which may be redeemed as other lands sold for taxes as aforesaid, and when so redeemed, such certificate shall be delivered to the person making the redemption.

SEC. 30. Be it further enacted, That all taxes hereafter assessed for any municipal purposes shall become due and payable on the first day of October of each year, and shall become delinquent on the first day of December of each year; interest shall be charged from the day of delinquency until paid, and the city council may impose such fees on all delinquents as it may deem proper. The city council may provide for the collection of delinquent taxes by a levy on, and sale of any property upon which the taxes are delinquent in any manner it may deem proper, not in conflict with the provisions of this act.

When taxes are due.

SEC. 31. Be it further enacted, That all property real, personal and mixed brought into said city by the extension of its limits under this act shall be liable for taxes and such other assessments as said city council may have power to impose for the year 1893.

SEC. 32. Be it further enacted, That the taxes assessed for the year 1893 by said city shall become delinquent on the first day of January, 1893, and on and after that date the tax collector or other officer of said city authorized thereunto by city council, may proceed to enforce the collecting thereof; and the mayor shall issue executions against all persons in default, and the same may be levied upon any property upon which the taxes shall not have been paid; and where real estate is assessed, the execution may be issued against and levied upon such real estate, or so much thereof as will be sufficient to pay the taxes due thereon and all costs. Interest shall be charged on all delinquent taxes from said first day of January and all such costs and fees as said city council may see proper to enforce.

When delinguent.

SEC. 33. Be it further enacted, That said city council may by ordinance or resolution require any person, persons or corporations owning property in said city abutting on any street or avenue to lay down

Sidewalls.

sidewalks and put in curbing in front of or along his or their property, of the character and dimensions as said city council may by ordinance prescribe, and should any owner of real estate in said city fail to comply with any such requirement for thirty days after service of notice, or after publication of such ordinance or resolution, the city council may authorize the board of public works to have such work done, in such manner as it may deem advisable, and the cost of such work shall be a charge on the lot or lots in front of or along which it may be done, and said city shall have a lien on such lot or lots for the cost of such work, with interests, and all costs for collecting the same which lien shall be superior to all liens and encumbrances on such lot or lots, except the liens of the state, county and said city for taxes.

Liens for paving.

SEC. 34. Be it further enacted, That the lien hereinafter provided for for paving and curbing the sidewalks in front of or along any of the lots in said city, may be transferred by said city council to the person or persons performing such work, in such manner as said city council may deem advisable, together with all rights for the enforcement of such lien, but no member of said city council or of said board of public works, shall be interested, directly or indirectly, in any such contract, and said city council is authorized and empowered to make all such laws and ordinances as it may deem proper, for the collection of the costs, interest and expenses for laying such sidewalks and curbings, by sale of the property in front of which the same may be laid, and all sales hereunder shall, as far as practicable be made like sales of real estate for taxes, as provided by this act, and the owner or any person for him, mortgagee, or person having a lien on such lot or lots, shall be allowed to redeem such lot or lots, within two years after such sale under the same conditions as persons redeeming from the sale of real estate for city taxes. And said city council shall provide for the payment out of the sale of such lot or lots, the amount due the persons performing such work in front of such lots, and all costs of such sale, advertising and otherwise, and the remainder, if any, shall be paid to the city treasurer, to be kept as a separate

fund by said officer for owner, upon the responsibility of his bond.

SEC. 35. Be it further enacted, That said city council shall have full power and authority to have any of the streets and avenues now established or hereafter to be established in said city, graded, macadamized, or paved, or regraded, re-macadamized, or re-paved, in such manner and by such methods, and with such material as it may deem proper.

Streets.

SEC. 36. Be it further enacted, That vacancies occuring in the board of aldermen, board of public works, school board and park commissioners, of said city, either by death, resignation or other cause, shall be filled by an election held in the ward where said vacancy shall occur, under such regulations as said city council may prescribe; such regulations to conform as nearly as practicable to the regulations herein provided for, for the election of city officers; Provided, that a notice of ten days of the time and place shall be sufficient for the holding of such election.

Vacancies.

SEC. 37. Be it further enacted, That vacancies in the office of mayor or other city offices, except aldermen, school board or public works and park commissioners, caused by death, resignation or other cause, shall be filled by the city council at the next regular meeting after such vacancy occurs, in such manner as said city council may prescribe.

SEC. 38. Be it further enacted, That said city council shall have authority to require all male inhabitants of said corporate limits, who have resided therein ten days, and who are between the ages of eighteen and forty-five years, to work upon the streets of said city for not less than five days, nor more than ten days in each year, under the direction of such officer as the council may appoint; Provided, that any person so required to work may relieve himself from so doing by paying into the city treasury the sum of not less than three nor more than five dollars, as said city council may prescribe, all moneys so paid to be used and applied exclusively to the improvement of the streets; Provided further, that the inhabitants of said corporate limits, shall be exempt from working on roads or highways outside of said city ; Provided further, that

Work on Streets.

no male inhabitant of said corporate limits between the ages of eighteen and forty-five years, shall be exempt from the operation of this section except those physically disabled.

SEC. 39. Be it further enacted, That at the first meeting of the city council after general election for city officers, and biennially thereafter, an assessor shall be elected by the city council of said city, whose duty shall be to assess the taxable property of the city of Sheffield under direction of the city council of said city, and whose term of office and compensation shall be fixed by the city council. No person shall be eligible to the office of assessor except a qualified voter of said city, and a freeholder or householder thereof; Provided, that the city council may appoint the city clerk as assessor. Assessor.

SEC. 40. Be it further enacted, That the city council, of said city be and are hereby authorized and required to establish a sinking fund to provide for the payment of the interest on any bonds issued and which may be hereafter issued by law and for the payment and redemption of such bonds at maturity; and they shall appropriate to said fund not exceeding fifty per cent. of the revenue received on account of license and tax on all property within said city; and shall require all persons paying taxes or licenses to pay at least twenty-five per centum thereof in currency, or so much thereof as may be required, or the city council may see fit; and the city council shall have power to collect all taxes of said city and all fines and forfeitures imposed for violation of any city ordinance by execution, levy and sale, and from the operation of such execution, no property of any citizen of said city or other person shall be exempt; Provided, that this mode of collection shall not prevent the collection of same in other manner herein provided. Sinking fund

SEC. 41. Be it further enacted, That said city council shall have power and authority to invest all moneys of said city, which shall be paid into said sinking fund, by the purchase of any of the bonds of the said city of Sheffield which may then be for sale by private persons or corporations. If the same cannot be had at par, or a reasonable sum above par, then by purchas- Purchase of bonds.

ing bonds of the United States or of the State of Alabama, or of any other such securities as the said city council by a two thirds vote of all the members thereof may authorize. Said sinking fund shall be the sinking fund hereinbefore provided for, and whenever the said city council shall have purchased a bond of said city, such bond or bonds shall be preserved as vouchers, but shall be so mutilated and cancelled as to prevent any re-issue or sale; and all moneys in the sinking fund shall be considered part of a trust fund to be applied to the payment of the bonded indebtedness of the city of Sheffield, and for no other purposes whatsoever.

Dealing in claims.

SEC. 42. Be it further enacted. That it shall be unlawful for any member of the city council or other officer, agent or employee of said city, either directly or indirectly, by himself or by his agent, to purchase, deal in or traffic in any manner in any claim, debt, warrant or script due from the city other than city bonds and coupons; and any such person found so dealing shall be guilty of a misdemeanor, and shall be punished by fine not less than ten nor more than one hundred dollars ; but nothing herein shall prevent any officer, agent or employee of said city acquiring directly from the city, or from receiving in good faith, any city claim in payment of a debt due to him, nor from purchasing in good faith so much of such claim as may be necessary to pay his taxes and licenses for the current year; Provided, that no member of the council shall be entitled to vote as a councilman upon any question affecting any franchise granted or proposed to be granted by the city when he is interested.

Prisoners.

SEC. 43. Be it further enacted, That the city council may pass all necessary and needful laws to compel persons to work upon the streets or elsewhere who refuse to work when being under the sentence of the mayor for a violation of any city ordinance.

SEC. 44. Be it further enacted, That whenever any person is in custody of the city authorities before or after conviction of a violation of the city ordinances and is held for such by the city, and such prisoner has violated any state law and is charged therewith, such prisoner shall be held by said city authorities until

such time as the sentence of the mayor shall be fully performed and discharged, except in cases where said party is demanded by the state authorities under a charge of felony, and the city authorities shall then deliver such prisoner to the sheriff of Colbert county; and such city officers in actual charge of said prisoner in the event of the escape of said prisoner through the fault or negligence of such officers, during the time they so held the prisoner, shall be liable for such escape and shall be punished as is now or may hereafter be prescribed by the state law for an escape.

SEC. 45. Be it further enacted, That in case the said city has not at any time sufficient room for persons sentenced to imprisonment for violation of city laws or ordinances, such persons may be confined in the county jail of Colbert county, Alabama, until the city council can provide for their confinement in the city prison; and while such persons are confined in the jail, the sheriff of said county shall receive from the city of Sheffield for keeping and feeding such prisoners, the same compensation that may be allowed him for keeping other prisoners.

Board of education.

SEC. 46. Be it further enacted, That aboard of education is hereby established for the city of Sheffield. Said commissioners shall elect one of their number a superintendent of the public school district of said city and a secretary of said board to serve during the official term of said commissioners. Said superintendent shall be ex officio president of said board. Said board shall have exclusive charge, control and management of the public schools of said city, shall have full power to make and adopt such rules for the government of said schools as in their judgment may be necessary and proper, shall make semi-annual reports to the city council of the operations and condition of said schools, and shall disburse all moneys appropriated by said city council or otherwise raised for school purposes by warrant drawn upon the city treasurer signed by the superintendent and countersigned by the secretary of said board. Said board of education shall have control of all the school property of the city and control the erection, repair and maintenance of school building and control the supply, repair and maintenance of

the appurtenances, fixtures and equipments and all things appertaining thereto.

SEC. 47. Be it further enacted, That the territory included in the corporate limits of the city of Sheffield, Alabama, shall constitute a school district separate and apart from the other school districts in Colbert county.

School district

SEC. 48. Be it further enacted, That the city of Sheffield shall receive its proportionate share of the public school revenue, including a pro rata share of the sixteenth section fund.

School funds

SEC. 49. Be it further enacted, That the city council of Sheffield shall have the power to buy, lease or otherwise acquire lands for school purposes, to purchase, erect and furnish school buildings and to establish and locate the number of public schools to be taught each year within the said school district.

School buildings.

SEC. 50. Be it further enacted, That said city council shall appropriate not less than twenty-five per cent. of the gross revenue of the said city, exclusive of fines, forfeitures arid street taxes, of the funds hereinbefore provided for the use and maintenance of such schools and for the erection, purchase, lease, repair and furnishing of school houses, and for the purchase or lease of lands on which to erect the same. All money received or appropriated belonging to the school fund shall be paid over to the treasurer of said city and shall be kept by him separate and apart from all other funds of said city and shall be paid out only on the proper warrant of the board of education as hereinafter provided.

Revenue for schools.

SEC. 51. Be it further enacted, That the city council of Sheffield shall have exclusive power and authority to levy. assess and collect all poll taxes from the inhabitants of said corporate limits liable to pay said tax, to be used and applied exclusively to the public schools of said city, and that collected from the colored inhabitants to be for the use and benefit of the free colored schools of the city; said tax to be assessed and collected by such officers as the city council may appoint, under such rules and regulations as the city council may prescribe, such officers to have the same right, power and remedies for the collection of said

Poll tax.

poll tax as are now given to the tax collector and other officers of Colbert county.

Park commissioners.

SEC. 52. Be it further enacted, That the duties of the park commissioners hereinbefore provided for shall be to expend all moneys they have for park purposes, subject to approval by the city council, by warrant drawn on the city treasurer; and they shall have general charge, control and supervision of the parks and all improvements therein, and shall report at least once a year to the city council.

School buildings.

SEC. 53. Be it further enacted, That said city council are authorized and empowered to borrow and expend not exceeding the sum of thirty thousand dollars, in which amount shall be included the sum heretofore authorized by sections 42, 43 and 44 of an act, entitled ‘an act to incorporate the city of Sheffield' in the county of Colbert, approved February 17th, 1885, and sections 6, 7, 8 and 69 of an act entitled "To amend an act to incorporate the city of Sheffield, in the county of Colbert, approved February 17th, 1885, and to confer additional powers and duties on the city council of the city of Sheffield," approved February 28th, 1889, under which certain bonds have been already issued, for the purpose and to be applied exclusively to the erection of public schools, buildings and appurtenances in said city, and to furnishing and equipping the same.

School bonds

SEC. 54. Be it further enacted, That for the payment of said sums and of the bonds already issued under said act hereinabove in the preceding section mentioned, and to carry out the power and authority granted in the preceding section of this act, said city council be and they are hereby authorized to issue the bonds of this city to be known and designated as public school bonds for not exceeding thirty thousand dollars, including the bonds already issued under the acts aforesaid, payable in ten or twenty years at the option of said city council, and to bear interest at the rate of not exceeding seven per cent. per annum, payable semi-annually. That said bonds shall be issued in sums of not less than one hundred dollars, and not more than one thousand dollars each, and shall be numbered consecutively from the highest number of

the bonds already issued under the aforesaid acts, in the order in which they are issued, and shall have attached thereto coupons numbered with said bonds, setting forth the rate of interest, the amount payable on the said coupons, when due and where payable, and said bonds when issued shall be signed by the mayor and countersigned by the city treasurer, each of whom shall keep a record of the same, and said coupons shall be signed by the city treasurer; the seal of the city shall be attached to the said bonds. That no part of said bonds shall be sold or hypothecated by said city council for less than ninety cents on the dollar. Said bonds and coupons, when due and payable, shall be receivable for all dues to said city. The principal and interest of said bonds to be payable in gold coin of the United States of the present standard of fineness either in the City of New York or in the City of Sheffield.

Mortgage

SEC. 55. Be it further enacted, That for the better security of the payment of said bonds, including those already issued under the act aforesaid, at maturity, said city council may execute to a trustee or trustees, or in such manner or form as may be deemed best for the city, a mortgage upon the lots upon which said buildings may be erected and upon the buildings so erected, said mortgage to be signed and executed by the mayor in such manner as the city council may direct.

Public buildings.

SEC. 56. Be it further enacted, That said city council are authorized and empowered to borrow and expend not exceeding the sum of thirty thousand dollars, including the amount already authorized by sections 11, 60, 61, 62 and 69 of the act hereinbefore mentioned, approved February 28th, 1889, under which certain bonds have been already issued, for the purpose and to be applied exclusively to the erection of public buildings in said city.

Public building- ing bonds.

SEC. 57. Be it further enacted, That for the payment of said sum, including the bonds already issued under the aforesaid act, and to carry out, the power and authority granted in the preceding section of this act, said council be and they are hereby authorized to issue the bonds of said city, to be known and designated as public building bonds, for not exceeding thirty

thousand dollars, including the bonds already issued under the aforesaid act, to run not longer than thirty years, and to bear interest at the rate of not more than seven percent, per annum, payable semi-annually. That said bonds shall be issued in sums of not less than one hundred dollars, nor more than one thousand dollars each and shall be numbered consecutively from the highest number of bonds already issued under the act aforesaid, in the order in which they are issued, and shall have attached thereto coupons, numbered to correspond with said bonds, setting forth the rate of interest, the amount payable on said coupons, when due, and where payable. Said bonds when issued shall be signed by the mayor and countersigned by the city treasurer, who shall attach the seal of the city thereto, and said coupons shall be signed by said treasurer. That no part of said bonds shall be sold or hypothecated by said city council for less than ninety cents on the dollar. Said bonds and coupons, when due and payable respectively, shall be receivable for all dues to said city and shall be made payable in gold coin of the United States of the present standard of fineness either in the city of New York or Sheffield.

Sewer bonds

SEC. 58. Be it further enacted, That said city council be and they are hereby authorized and empowered to borrow not exceeding the sum of one hundred thousand dollars, including the amounts heretofore authorized by sections 9, 10 and 69 of an act approved February 28th, 1889, hereinbefore mentioned under which certain bonds have been already issued, to be expended and applied exclusively for the drainage and sewerage of the city.

SEC. 59. Be it further enacted, That for the better security of the payment of said sums, including the bonds already issued under the acts aforesaid and to carry out the power and authority granted in the preceding section of this act, said city council may be and they are hereby authorized to issue the bonds of said city to be known and designated as sewer bonds for not exceeding one hundred thousand dollars, including the bonds already issued under the aforesaid acts, to run not exceeding thirty years and to bear interest at a rate of not more than eight per cent. per

annum, payable semi-annually. That said bonds shall be issued in amounts not less than one hundred dollars, nor more than one thousand dollars, and shall be numbered consecutively from the highest of the bonds already issued under the act aforesaid in the order in which they are issued and shall have attached thereto coupons numbered to correspond to said bonds, setting forth the rate of interest, the amount payable on said coupons, when due, and where payable; said bonds when issued shall be signed by the mayor and countersigned by the treasurer, each of whom shall keep a record of the same, and said coupons shall be signed by the city treasurer; and the seal of the city shall be attached to the said bonds. That no part of said bonds shall be sold or hypothecated by said city council for less than ninety cents on the dollar. Said bonds and coupons, including the bonds already issued under the act aforesaid, when due and payable, shall be receivable fur all dues to said city. The principal and interest of said bonds to be payable in gold coin of the United States of the present standard of fineness, either in the city of New York or Sheffield.

Street bonds.

SEC. 60. Be it further enacted, That said city council of Sheffield are authorized to borrow and expend the sum of fifty thousand dollars, including the amount heretofore authorized by sections 11, 64, 65 and 69 of the aforesaid act approved February 28th, 1889, under which certain bonds have already been issued for the purposes of paving and macadamizing the streets and avenues in the city of Sheffield.

SEC. 61. Be it further enacted, That for the payment of said sum, including the amounts heretofore issued under the aforesaid act, and to carry out the powers and authority granted in the preceding section of this act, said city council be and they are hereby authorized to issue the bonds of said city, to be known and designated as street bonds, and not exceeding fifty thousand dollars including those already issued under the act aforesaid, to run not longer than thirty years and to bear interest at a rate not exceeding eight per cent. per annum, payable semi-annually. That said bonds shall be issued in sums not less than one hun dred, nor more than one thousand dollars each, and

shall be numbered consecutively from the highest number of the bonds already issued under the act aforesaid in the order in which they are issued; and shall have attached thereto coupons, numbered to correspond with said bonds, setting forth the rate of interest, the amount payable on said coupon, when due, and where payable. Said bonds when issued shall be signed by the mayor and countersigned by the city treasurer, each of whom shall keep a record of the same. Said coupons shall be signed by the city treasurer and the seal of the city shall be affixed to each of said bonds. That no part of said bonds shall be sold or hypothecated by said city council for less than ninety cents on the dollar. Said bonds and coupons when due and payable shall be receivable for all dues to said city. Said bonds and coupons shall be payable in gold coin of the United States of the present standard of fineness, either in the city of New York or Sheffield.

Park bonds.

SEC. 62. Be it further enacted, That the city council are authorized and empowered to borrow and expend the sum of ten thousand dollars for the purpose of and to he applied exclusively to the improvement of the public parks of said city ; and are authorized to issue bonds of the denominations, in the terms, with coupons attached of the same character, executed in the same manner and payable in the same money and at the same rate of interest as the bonds hereinabove provided for public buildings; and may, for the better security of the payment of same, execute in the same manner as provided for said mortgage on said public buildings, a mortgage on said park property, and the bonds thereby secured shall be made payable either in the city of New York or Sheffield. Said bonds shall be designated as park bonds, and the amount authorized by this section to be issued shall include those already issued for park purposes by said city of Sheffield.

Mortgages.

SEC. 63. Be it further enacted, That for the better security of the payment of said bonds, including those already issued under the acts aforesaid, at maturity, said city council may execute to a trustee, or trustees, or in such manner and form as may be deemed best

for the city, a mortgage on the lots upon which said buildings may be so erected, and upon the buildings so erected, and upon the school furniture and apparatus therein; said mortgage to be signed and executed by the mayor in such manner as the city council may direct.

Sewers.

SEC. 64. Be it further enacted, That said city council shall have the right to build and construct underground sewers through streets and private property anywhere within said corporate or police limits, paying to the owner such damage, if any, as may be thereby done to said property; and for the purpose of ascertaining such damage, said city may proceed by writ of ad quod damnum or other proper remedy.

Terms of office.

SEC. 65. Be it further enacted, That the present officers of said city shall continue in office under the powers hereunder, until the next regular election to be held on the 1st Tuesday in May, 1893, and until their successors are elected and qualified; Provided, that said city council shall have the right to suspend or dismiss any of the officers or agents heretofore elected, or that may be elected or appointed hereafter, or abolish such offices under the power in this act contained.

Ordinances remain in force.

SEC. 66. Be it further enacted, That all ordinances or parts of ordinances, resolutions or by-laws hereinbefore adopted by the city council of Sheffield, not inconsistent with the powers by this act conferred, shall remain of full force and effect until changed by the city council under the powers granted herein.

Other powers.

SEC. 67. Be it further enacted, That in addition to the powers by this act conferred, said city of Sheffield shall have ail other powers of a municipal corporation under the laws of Alabama.

SEC. 68. Be it further enacted, That all Jaws or parts of laws in conflict with or inconsistent with this act, are hereby amended or repealed, in so far as the said city of Sheffield is concerned.

Approved December 12, 1892.

No. 88.] AN ACT [H. B. 246

To amend section (1) of an act to incorporate the town of Luverne, in the county of Crenshaw, and State of Alabama, approved February 6th,1891.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section (1) one of an act to incorporate the town of Luverne, in the county of Crenshaw, and State of Alabama, approved February 6th, 1891, be amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That the town of Luverne, in the county of Crenshaw and State of Alabama, be and the same is hereby incorporated, and the corporate limits of said town shall embrace and include all the territory lying within one mile in every direction from the Court House square, as laid out in the map of the Luverne Land Company, and recorded in the office of the Judge of Probate of said county; and the present and future inhabitants of said town shall be and continue the body politic and corporate under the name and style of the town of Luverne; and under and by such name and style the corporate authorities may sue and be sued, either in law or in equity, and may purchase and hold property to the value of one hundred thousand dollars, and do all acts incident to bodies corporate.

Corporate limits.

Approved December 12, 1892.

No. 89.] AN ACT [H. B. 24

To establish a Board of Commissioners of Police for the city of Birmingham, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Probate Judge in and for Jefferson county shall appoint a Board of Commissioners of Police for the city of Birmingham, consisting of five (5) persons, neither of whom shall be a member of the board of Aldermen. The first appointment shall be made at the first regular meeting of the Mayor and

Appointm'nt of Board.

board of Aldermen in the month of January, 1893, or immediately thereafter. The terms for which the members of the board of Commissioners of Police shall be appointed are as follows: Two (2) for the term of one year; two for the term of two years, and one for the term of three years.

SEC. 2. Be it further enacted, That at the first regu-
Future appointments. lar meeting of the Mayor and board of Aldermen in the month of January in each year, the Probate Judge of Jefferson county shall appoint for the term of three years a commissioner or commissioners to succeed the commissioner or commissioners whose term or terms may then expire. Should a vacancy occur in the board during the year 1893, or any other year, from other cause than the expiration of a regular term, the Judge of Probate shall immediately make an appointment to
Vacancies. fill such vacancy, and such incumbent shall hold until the unexpired term shall expire, and until his successor is appointed and qualified. Each regular term shall begin at the date of appointment and close as hereinafter declared, and until his successor is appointed and qualified.

SEC. 3. Be it further enacted, That each member of the board of commissioners, before entering on the
Oath. duties of his office, shall take and subscribe this oath of office before some officer authorized to administer it: "I swear that I will faithfully and impartially demean myself as a commissioner of police during my continuance in office. I have not, in order to influence my election to this office of commissioner, directly or indirectly, expressly or impliediy, promised my vote or support to any person for any office in the city of Birmingham. I will not knowingly permit my vote in the election or appointment of any person on the police force to be influenced by fear, favor or affection, reward or the hope thereof; but in all things pertaining to my said office, I will be governed by my conviction of the public good." The oath shall be entered on the minutes of the proceedings of the board, and the original shall be filed in the office of the city clerk.

SEC. 4. Be it further enacted, That the board of po-
Powers. lice commissioners thus appointed and qualified shall have the exclusive power, and it shall be their duty to appoint a chief of police and such other police officers

and policemen as is or may be prescribed by city ordinance. The salary of such police officer and policeman to be prescribed by city ordinance, and shall not be increased or diminished during their respective terms. This power shall extend to unexpired as well as to regular terms. They shall keep a record, and one of said board shall act as clerk thereof, keeping a complete record of all their proceedings. They shall hold a stated meeting each month, and such other meetings as the public interest may from time to time require. Three shall constitute a quorum, with power to transact business. They shall exercise full directions and control of the officers and members of the police force in conformity to existing laws and ordinances, and such as may be made in the future applicable to the subject.

Suspensions.

SEC. 5. Be it further enacted, That any officer of the police force or any policeman failing to perform any duty required by law, or the city ordinances, may be suspended or removed from office by the board of commissioners of police. The mode of preferring accusations against policemen and police officers, and of their trial, shall be prescribed by the city ordinance. It shall also be prescribed by city ordinance the manner of suspending till trial the chief of police, or any other police officer or policeman, when accusation is brought, and in all such cases the board of commissioners of police may make appointments to the office or place of the suspended person, such appointment to hold during suspension.

Approved December 12, 1892.

No. 90.] AN ACT [H. B. 150

To define and fix the limits of certain school districts in Greene county, Alabama, and to add to townships 23 and 24 of range one, west, the fractional townships 23 and 24 of range two, west.

School districts.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the fractional part of township 23 of range two, west, in Greene county, Alabama, for all public school purposes be added to and made a part of

township 23 of range one, west, in Greene county, Alabama, and that the two taken together be made one school district, and subject to the control and management of the township superintendents or trustees appointed under the existing law for township 23 of range one, west, in Greene county, Alabama.

SEC. 2. Be it further enacted, That the fractional part of township 24 of range two, west, in Greene county, Alabama, for all public school purposes be added to and made a part of township 24, range one, west, in Greene county, Alabama, and that the two taken together be made one school district, and be subject to the control and management of the township superintendent or trustee appointed under the existing law for township 24 of range one, west, in Greene county, Alabama.

Approved December 12th, 1892.

No. 91.] AN ACT [H. B. 120

To provide for the voting by proxy of capital stock of corporations formed under the laws of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any capital stock in a corporation organized under the laws of Alabama, may, at all stockholders meetings, be voted by proxy; Provided, the right to vote by proxy be conferred by the charter of the corporation, or claimed or reserved in its declaration, or permitted by a by-law duly adopted by the stockholders of the company.

Proxy.

Approved Dec. 12, 1892.

No. 92.] AN ACT [H. B. 153.

To create a separate school district to include the town of Thomas, in Jefferson county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That a separate public school district is hereby created to include the town of Thomas, and to

include therein the following boundaries, to-wit: The east half of the north-west quarter and the north-east quarter of section thirty-two; and the north-west quarter of section thirty-three; and the north-west quarter of the north-east quarter of section thirty-three, all in township seventeen, range three, west; and the south-east quarter, and the east half of the south-west quarter, and the north-east quarter, and the south-east quarter of the north-west quarter of section twenty-nine, in township seventeen, range three, west; and the south-west quarter, and the west half of the south-east quarter, and the west half of the north east quarter, and the north-west quarter, and the west half of the north-east quarter of the north-east quarter, and the west half of the south-east quarter of the north-east quarter of section twenty-eight, township seventeen, range three, west; and the south-west quarter and the south-east quarter of section twenty-one, in township seventeen, range three, west; and the south east quarter of the south east quarter of section twenty, in township seventeen, range three, west, all in Jefferson county, Alabama. School district.

SEC. 2. Be it further enacted, That all the poll tax collected from persons residing within the above described territorial limits, shall be collected for and applied to the keeping up of the public schools in said separate school district, and that the said school district shall also receive its pro rata share of all other public school funds which are appropriated or otherwise raised for the support of the public schools in the county of Jefferson. Poll tax.

Approved Dec. 12, 1892.

No. 93.] AN ACT [H. B. 284

To repeal section one of an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors in McKinley beat, Marengo county, and Guntersville beat, Marshall county, and within five miles of the new brick school building in the town of Scottsboro, Jackson county, Alabama, approved December 10, 1888, so far as the same applies to Guntersville beat, Marshall county,

lying east of Big Spring creek, in said Guntersville beat, Marshall county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors in McKinley beat, Marengo county, and Guntersville beat, Marshall county, and within five miles of the new brick school building in the town of Scottboro, Jackson county, Alabama, approved December 10th, 1888, be and the same is hereby repealed so far as the same applies to that part of Guntersville beat lying east of Big Spring beat, in said Guntersville beat, Marshall county, Alabama.

Repealed.

Approved December 12, 1892.

No. 94.] AN ACT [H. B. 249

To create a lien in favor of the owners or keepers in Dale, Montgomery, Talladega, Geneva and Henry counties, for the payment of their charges for keeping, boarding and pasturing stock.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be lawful for all persons keeping any animal at livery stables, or pastures, or boarding the same for hire, under any agreement with the owner thereof to detain such animals until all charges under such agreement for the care, keep, pasture, or board of such animals shall have been paid; Provided, however, that notice in writing shall first be given to such owner in person, or at his last known place of residence, of the amount of such charges, and the intention to detain such animal or animals until such charges shall be paid, and such persons may at any time maintain an action in any of the courts of this state to enforce such lien, and procure a sale of the said animals for the payment of said keeping, pasture and board, and the cost of such action. The lien of the owner, keeper or proprietor of a livery stable and for pasturage charges, shall attach to and fasten upon

Lien created.

such animal after the same shall have left the premises of the livery or pasture, while in possession of the owner.

SEC. 2. Be it further enacted, The owner, keeper or proprietor of a livery stable or pasture lands may have process of attachment for the enforcement of the lien provided by section 1 of this act, when the same is due and the owner of the animal fails or refuses after demand made to pay the same. Attachment.

SEC. 3. Be it further enacted, That this act shall take effect immediately after its passage.

SEC. 4. Be it further enacted, That all laws in conflict with this act be and the same are hereby repealed.

Approved December 13, 1892.

No. 95.] AN ACT [H. B. 232

To amend subdivision 28 of section 629 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That subdivision 28 of section 629 of the Code be amended so as to read as follows: 28. For dealers in pistols or pistol cartridges or bowie knives or dirk knives, whether principal stock in trade or not, three hundred dollars, provided that any cartridges whether called rifle or pistol cartridges or by any other name that can be used in a pistol shall be deemed pistol cartridges within the meaning of this section.

Approved December 13, 1892.

No. 96.] AN ACT [H. B. 107

To amend section 3869 (4408, 4420) of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 3969 (4408, 4420) of the Code, be, and the same hereby is amended so as to read as follows: 3869(4408, 4420) Malicious injury to animals or other article's of value.—Any person, Penalty.

who unlawfully and maliciously kills, disables, disfigures, destroys or injures any animal, or article or commodity of value, the property of another, must on conviction, be fined not less than twenty nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months; and so much of the fine as may be necessary to repair the injury or loss, shall go to the party injured.

Approved December 12,1892.

No. 97.] AN ACT [H. B. 64

To make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for interest on the Public Debt and for Public Schools.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the following sums of money, or so much of each sum as may be necessary, be, and they are hereby appropriated for the purposes hereinafter specified, to be paid out of any money in the treasury not otherwise appropriated, for the fiscal years ending respectively on the thirtieth day of September, eighteen hundred and ninety-three, and on the thirtieth day of September, eighteen hundred and ninety-four, to-wit:

State officers

1. For compensation of the governor, three thousand dollars for each year; in all six thousand dollars.

2. For compensation of the secretary of state, eighteen hundred dollars for each year; in all three thousand six hundred dollars, and for clerical assistance in the office of the secretary of state, one thousand dollars for each year; in all two thousand dollars.

3. For compensation of the state auditor, eighteen hundred dollars for each year; in all three thousand six hundred dollars.

4. For compensation of the state treasurer, twenty-one hundred dollars for each year; in all four thousand two hundred dollars.

5. For compensation of the attorney-general, twenty-

five hundred dollars for each year; in all five thousand dollars.

6. For compensation of the superintendent of education, two thousand two hundred and fifty dollars for each year; in all four thousand five hundred dollars.

Clerks.

7. For compensation of the governor's private secretary, fifteen hundred dollars for each year; in all three thousand dollars.

8. For compensation of the governor's recording secretary, fifteen hundred dollars for each year; in all three thousand dollars.

9. For compensation of three clerks in the office of the state auditor, one at fifteen hundred dollars for each year, one at twelve hundred dollars for each year, and one at twelve hundred dollars for each year, in all seven thousand eight hundred dollars.

10. For compensation for one clerk in the office of state treasurer, fifteen hundred dollars for each year, and for one clerk twelve hundred dollars for each year ; in all fifty-four hundred dollars.

11. For compensation of clerical assistance in the office of superintendent of education, two thousand dollars for each year; in all four thousand dollars.

12. For compensation of messenger in the executive office, three hundred dollars for each year; in all six hundred dollars.

Servants.

13. For compensation of three servants in the executive offices, three hundred dollars each for each year; in all eighteen hundred dollars.

Watchmen.

14. For compensation of three watchmen at the capitol, nine hundred dollars each for each year; in all fifty-four hundred dollars.

Supreme court.

15. For compensation of the chief justice and four associate justices of the supreme court, thirty-six hundred dollars each for each year; in all thirty-six thousand dollars.

16. For compensation of the marshal of the supreme court and librarian, fifteen hundred dollars for each year; in all three thousand dollars, and for his assistant three hundred dollars for each year; in all six hundred dollars, additional.

17. For compensation of the reporter of the supreme court decisions, eight hundred dollars for each volume reported and published.

18. For compensation of the secretary of chief justice, fifteen hundred dollars for each year; in all three thousand dollars.

19. For compensation of one servant of the supreme court, three hundred dollars for each year; in all six hundred dollars.

20. For compensation of ten circuit court judges, two thousand and five hundred dollars each, for each year; in all fifty thousand dollars.

Circuit judges.

21. For compensation of four chancellors, twenty-five hundred dollars each, for each year; in all twenty thousand dollars.

Chancellors.

22. For compensation of eleven solicitors, twenty-four hundred dollars each for each year; in all fifty-two thousand eight hundred dollars. Provided, further, that in addition to the above salary, each solicitor shall receive commissions as follows :Thirty per cent. on the first thousand dollars, or any part thereof, earned in fees by him over and above twenty-four hundred dollars; fifteen per cent. on the second thousand dollars, or any part thereof, so earned; and ten per cent. on all sums earned over and above the said second thousand dollars, said commissions to be paid as the salaries of solicitors are paid. In no case shall said commissions exceed the sum of six hundred dollars per annum.

Solicitors.

23. For compensation of mine inspector, twelve hundred dollars for each year; in all twenty-four hundred dollars.

Mine Inspector.

24. For stationery, post office box rent and postage for the executive offices, three thousand dollars for the fiscal year ending September 30th, 1893, and two thousand dollars for the fiscal year ending September 30th, 1894; in all five thousand dollars.

Stationary, etc.

25. For fuel, lights and water used in the capitol for the year ending September 30th, 1893, two thousand dollars, and for the year ending September 30th, 1894, twelve hundred and fifty dollars.

Fuel.

26. For insurance on the capitol building, the furniture therein, and the library, eight hundred dollars for each year; in all sixteen hundred dollars.

Insurance.

27. For public printing and binding, including the reports of the heads of the departments, reports of the state institutions, supreme court decisions, geological

Printing and binding.

surveys, acts and journals of the general assembly, advertisements, and proclamations, and all other printing done in pursuance of law, for the year ending September 30th, 1893, seventeen thousand and five hundred dollars, and for the year ending September 30th, 1894, ten thousand dollars; in all twenty-seven thousand and five hundred dollars ($27,500).

Arrest of felons.

28. For arrest of absconding felons, two thousand and five hundred dollars for each year; in all five thousand dollars.

Removal and feeding prisoners.

29. For removal of prisoners, six thousand dollars for each year; in all twelve thousand dollars.

30. For feeding prisoners in the county jails, seventy thousand dollars for each year; in all one hundred and forty thousand dollars.

Contingent.

31. For incidental and contingent expenses, including interest on and the cost of effecting temporary loans and other arrangements for maintaining the public credit, to be disbursed on the order of the governor, seven thousand dollars ($7000) for the fiscal year ending September 30th, 1893, and for the same purpose, for the fiscal year ending September 30th, 1894, ten thousand dollars ($10,000); in all seventeen thousand dollars ($17,000).

Per diem.

32. For per diem and mileage of senators and representatives in the general assembly of Alabama, compensation of officers and employees of the senate and house of representatives, and incidental expenses of the session of 1892-3, for the fiscal year ending September 30th, 1893, fifty thousand dollars.

Distributions.

33. For distributing the acts and journals of the general assembly of 1892-3, codes and other public documents for the year ending September 30th, 1893, five hundred dollars, and for the year ending September 30th, 1894, three hundred dollars.

Schools.

34. For the support of the public schools, three hundred and fifty thousand dollars for each year, being for the fiscal years ending September 30th, 1893 and 1894, respectively; in all seven hundred thousand dollars.

Interest.

35. For interest on the University fund, twenty-four thousand dollars for each year; in all forty-eight thousand dollars.

36. For interest on Mechanical and Agricultural

College bonds, twenty thousand two hundred and eighty dollars, for each year; in all forty thousand five hundred and sixty dollars.

37. For interest on the sixteenth section fund, valueless sixteenth section fund and surplus revenue fund for the public schools, one hundred and forty-five thousand dollars for each year; in all two hundred and ninety thousand dollars.

38. For interest on bonded debt of the state, embracing class "A" bonds of 1876, class "B" bonds of 1876, and class "C" bonds of 1876, and the four per cent. funding bonds of 1890, three hundred and eighty thousand dollars for each year; in all seven hundred and sixty thousand dollars.

39. For the compensation of the secretary of the senate and clerk of the house of representatives, for filing and arranging papers of the respective houses in the secretary of state's office, and for copying and indexing the journals of the respective houses, four hundred and fitly dollars ($450.00) each; in all nine hundred dollars ($900.00).

Senate and house clerks.

40 For compensation of the secretary of state for preparing copies of the acts for the public printers, ten cents for every hundred words and notes for the same, not to exceed in all four hundred dollars.

Preparing acts.

And, whereas, The general assembly of Alabama will not again be in regular session until after the close of the year ending September 30th, 1894, (eighteen hundred and ninety-four), therefore,

SEC. 2. Be it further enacted, That the appropriations hereinbefore made in this act for the year ending eighteen hundred and ninety-four, be and the same are hereby renewed and continued in force until and including the first day of January, eighteen hundred and ninety-five; Provided, That not more than one-fourth of the several sums appropriated hereinbefore for the year ending September 30th, 1894, shall be expended in the period for which they are thus renewed and extended, except that for interest on the public debt, embracing therein interest on the University fund, on the Agricultural and Mechanical College funds and on the school funds, one-half the amount hereinbefore appropriated for these purposes, in the year ending September 30th, 1894, may be expended.

Renewed.

SEC. 3. Be it further enacted, That for the per diem and mileage of senators and representatives, and for pay of the officers and employees of the senate and house of representatives, and for the incidental expenses of the session of the general assembly, beginning on Tuesday after the second Monday in November, eighteen hundred and ninety four, fifty thousand dollars is hereby appropriated, and no appropriation herein made shall be construed to be in addition to appropriation for the same purpose or purposes made by separate acts heretofore passed, or that may be hereafter passed at this session. And, provided further, That the appropriations for the same purposes, or any of them, in sections two and three of general appropriations act, approved December 12th, 1890, shall be construed to be embraced in the appropriation hereinbefore made in section one of this act, and shall not be deemed to be in addition thereto. General Assembly 1894

Approved December 12th, 1892.

No. 98.] AN ACT [s.186

To ratify and confirm the resolutions of the stockholders of the Decatur Land Improvement and Furnace Corn pany, adopted February 29th, 1892, and the sale and conveyance made thereunder.

SECTION 1, Be it enacted by the General Assembly of Alabama, That the resolutions adopted by the stockholders of the Decatur Land Improvement and Furnace Company, on the 29th day of February, 1892, at a meeting called for the purpose of submitting to the stockholders of said company a plan for the settlement of said company's indebtedness, which said resolutions authorized a sale of said company's assets, and were approved and ratified by the unanimous vote of the stockholders of said company at its annual meeting of stockholders, held on the 18th day of May, 1892, and pany, in accordance with and under the provisions of the sale and conveyances executed by said land comsaid resolutions, be and the same are hereby in all things ratified and confirmed. Ratified.

SEC. 2. Be it further enacted, That to carry out said resolutions, as approved, ratified and confirmed by the Power to sell

unanimous vote of the stockholders of said company at said annual meeting of stockholders held on May the 18th, 1892, the said Decatur Land Improvement and Furnace Company is hereby authorized to sell, transfer and assign unto the Decatur Land Company all of its franchises, rights, powers, privileges and immunities held and possessed by it; Provided, the said Decatur Land Company purchasing said franchises and property of the Decatur Land Improvement and Furnace Company, shall first, as a part of said consideration for the purchase, pay the outstanding debts of said Decatur Land Improvement and Furnace Company.

Rights vested.

SEC. 3. Be it further enacted, That the sale so made shall vest in said Decatur Land Company the said franchises, rights, powers, privileges, immunities and property as fully and completely as the same is and was possessed, enjoyed and exercised by said Decatur Land Improvement and Furnace Company.

Approved December 13, 1892.

No. 99.] AN ACT [H. B. 114

To fix the compensation for recording, registration and copying in the probate offices in the counties of Lowndes, St. Clair, Etowah, Blount and Cullman.

Recording.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the 1st day of December, 1893, the charges for any and all recording, registration and copying done in the probate office of the counties of Lowndes, St. Clair, Etowah, Blount and Cullman of any kind which, by law, is authorized or required, shall be ten (10) cents a hundred words.

Approved December 12, 1892.

No. 100.] AN ACT [H. B. 68

To amend section 730 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 730 of the Code of Alabama be and the same is hereby amended so as to read as

follows: Section 730, (625) Penalty for registers fail ing to certify; when not required to certify.—Any register failing for thirty days to certify as required in the preceding section incurs a penalty to the State, in the penalty of one hundred and fifty dollars, to be recovered after two days notice, on motion, in the name of the state, by the solicitor in the circuit court of the county in which such register resides; but the chancellor incurs no forfeiture, and the register must not certify to the auditor in case of absence for a day at the commencement of a term, if there was not time after the adjournment of the preceding court to reach the place of holding court on the first day of the term, or, if the chancellor was prevented from reaching the place of holding the court by high water, or, if he could only have reached such place at such time by travelling on Sunday, or, if his absence was not attributable to a willful neglect of duty. Nor must the register certify to the Auditor, if he is satisfied that the absence at the term of the court is caused by the sickness of thy Chancellor, or any member of his family; nor if there is no business on the docket to be disposed of, when the chancellor is informed of this fact by the certificate of the register. Penalty.

Approved January 24th, 1893:

No. 101.] AN ACT [H.B.375

To repeal an act approved Dec. 11, 1886, entitled "an act to establish a separate school district known as 'Clio School District,' in Barbour county."

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act approved December 31, 1886, entitled "an act to establish a separate school district to be known as Clio school district," in Barbour county," be and the same is hereby repealed. Repealed.

Approved January 24, 1893.

No. 102.] AN ACT [H.B.347

To authorize the Mayor and Aldermen of Birmingham to issue bonds of said city for an amount not exceed-

ing one hundred and fifty thousand ($150,000.00) dollars, the proceeds thereof to be used for the purpose of paying whatever floating debts said city may have on the first day of January, 1893, for taking up, cancelling and retiring certain bonds of said city now bearing interest of seven and eight per cent per annum; for making public improvements in said city, and as an emergency fund in the event said city shall be visited or threatened with an epidemic.

SECTION 1. Be it enacted by the General Assembly of
Amount. Alabama, That the board of mayor and aldermen of Birmingham be and they are hereby authorized to issue bonds of said city of Birmingham to an amount not exceeding one hundred and fifty thousand ($150,000.00) dollars, or so much thereof as said board may deem necessary for the purpose hereinafter named, in denominations of not less than one thousand ($1,000) dollars each, and payable thirty years from the date of their issuance, bearing interest at a rate not exceeding six per cent per annum, and with interest coupons attached, payable semi-annually, to bearer, said bonds and coupons being payable in gold of the present standard and weight and fineness in the city of New York at some bank designated by said bonds.

SEC. 2. Be it further enacted, That the bonds author-
Signed. ized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the treasurer of said city, and the interest coupons attached to said bonds shall have engraved thereon the signature of such treasurer.

SEC. 3. Be it further enacted, That said mayor and
Powers. aldermen of Birmingham are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted, and no technical informality, irregularity, neglect or omission in the proceedings or records of said bonds shall in any wise vitiate or annul said bonds or coupons, and said bonds and coupons shall have all the properties and protection of commercial paper, and at and after the maturity thereof they shall be receivable for all dues to the city in the way of taxes and otherwise.

SEC. 4. Be it further enacted, That said Mayor and Aldermen of said City shall advertise in one or more daily newspapers published in the City of Birmingham, Alabama, for ten (10) consecutive days for sealed proposals for the purchase of said bonds, and shall sell said bonds to the highest bidder for cash, but in no event shall said bonds or any of them be sold for less than one hundred cents in the dollar. Advertising.

SEC. 5. Be it further enacted, That of the bonds authorized to be issued under and by virtue of this act, the sum of eighty thousand ($80.000) dollars shall be used solely for the purpose of paying whatever floating debts said City may have on the first day of January, 1893, and for taking up, cancelling and retiring certain bonds of said City issued under and by virtue of an act of the General Assembly of Alabama and now bearing interest at the rate of seven and eight per cent per annum. How used.

SEC. 6. Be it further enacted, That of the bonds authorized to he issued under and by virtue of this act, the sum of ten thousand ($10.000) dollars shall constitute an emergency fund and be used and expended solely for the purpose of providing against any epidemic by which said City may be visited or threatened, and said bonds constituting such emergency fund shall not be issued or sold by said Board until the emergency thereof shall arise. For epidemics.

SEC. 7. Be it further enacted, That the use, payment and application of the proceeds of the bonds authorized to be issued under this act shall be under the direction of said Board of Mayor and Aldermen of Birmingham, but such proceeds shall not be applied to any other than the purpose hereinbefore stated, and the said Treasurer shall be responsible for the safe keeping of such proceeds as may come into his hands in his official capacity, the same as for other City funds, and there shall be no commission paid said City Treasurer for receiving or disbursing such proceeds. How proceeds applied.

SEC. 8. Be it further enacted, That the Treasurer of said City shall keep an accurate record of the bonds taken up, cancelled and retired, and also a correct record of the bonds issued under this act. Record.

SEC. 9. Be it further enacted, That it shall be unlawful for the said Board of Mayor and Aldermen, or any member thereof, or any of the officers or agents of said

City of Birmingham to apply any of the ninety thousand ($90.000) dollars of bonds mentioned in the fifth and sixth sections of this act, or any of the proceeds thereof to any other purpose than the purpose specified in said
Penalties. fifth and sixth sections, and any person who shall apply any of the said bonds or any of the proceeds thereof to any other purpose than the purpose specified in said fifth and sixth sections shall be punished as if he had embezzled the same.

SEC. 10. Be it further enacted, That the bonds herein provided for shall have priority over all bonds of said
Priorty. City hereinafter to be issued, and it shall be the duty of said Mayor and Aldermen of Birmingham to provide for the payment of the same, principal and interest, before providing for the payment of bonds which may hereafter be issued by said City.

Approved January 24th, 1893.

No. 102 1/2] AN ACT [s. 38.

To create a new convict system for the State of Alabama, and to provide for the government, discipline and maintenance of all convicts in the State of Alabama.

ARTICLE 1. Of the government and maintenance of the penitentiary and prisons connected therewith, the officers thereof, their powers, duties and compensations.
ART. 2. Of the disposition, discipline and instruction of convicts.
ART. 3. Of the labor of convicts.
ART. 4. Of county convicts.

SECTION 1. Be it enacted by the General Assembly of Alabama, That there is hereby created and estab-
Board established. lished, for the management and control of all convicts, State and county, in the State of Alabama, a board of managers of convicts, to be composed of nine members, to be appointed by the governor by and with the advice and consent of the senate. One member of said board to be from each congressional district in the State.

No person shall be eligible to hold the office of manager of convicts, unless he be, at the time of his appointment, a citizen of the State of Alabama, over thirty years of age, of good moral character, and esteemed for his judgment and integrity; nor shall any person be appointed a manager of convicts who holds any office of profit under this State, any county thereof, or the Federal Government, and every manager of convicts who shall accept any such office, shall, by that act, vacate the office of manager of convicts, and it shall be the duty of the governor forthwith to appoint his successor. That whenever a manager of convicts dies, resigns, vacates, or is removed from said office, the governor shall appoint a successor, if the senate be not in session at the time, who shall hold the office for the unexpired term. If the senate be in session at the time of the happening of any vacancy in the board, a successor shall be appointed by and with the advice and consent of the senate. The president of inspectors of convicts shall be ex officio the secretary of said board of managers of convicts. Any manager of convicts. who is guilty o£ any improper conduct, or neglects his duty, shall be removed by the governor, and the governor must, on such removal, appoint a successor.

Qualifications.

Vacancies.

President of Inspectors Secretary ex-officio.

Removal.

SEC. 2. Be it further enacted, That the term of said managers of convicts shall be for the period of six years, but of the first board appointed under this act three members thereof, to be designated by the governor, shall hold office for the term of two years, and three for four years, and three for six years, and thereafter, on the expiration of the term of office, successors shall be appointed for the full term of six years. The governor shall be ex officio the president of said board, and in his absence the board may select one of their number to preside at their meetings. The managers of convicts shall meet at the State capitol at least once in every three months, and at the penitentiary, or any prison, or place, where any convicts are confined or worked, as often as the governor may deem necessary. The managers of convicts shall receive, while actually engaged in the discharge of their duties, four dollars

Term of office.

Governor ex-officio President of Board Meetings.

Compensation.

per day and their actual traveling expenses, and no other compensation.

SEC. 3. Be it further enacted, That the managers of convicts shall have the power to appoint all such officers, wardens, keepers, agents, clerks, chaplains, teachers and surgeons as may be necessary for the proper administration, discipline and maintenance of convicts and of the convict system of Alabama, and shall have the power to fix the salary and pay off all of said officers, agents and emyloyees, and the power to remove the same at pleasure, with the approval of the governor. They shall have the power to require any officer, agent, or employee, to give bond for the faithful discharge of his duties, and they shall fix the penalty of the bond and prescribe its conditions, and they shall have the power to require a new or additional bond to be given whenever, in their judgment, the public good requires it. The board of managers shall have the power to require all officers and agents to make such reports, estimates, requisitions and statistical returns as they may deem necessary, and shall prescribe the forms of all such reports, estimates, requisitions and returns, and shall have the power to determine which of said returns, estimates, requisitions, and reports shall be made under oath. They shall have the power to prescribe how the accounts of the different officers and prisons shall be kept, and to require a sworn statement thereof to be made whenever they deem it proper. They shall have the power to make all such rules and regulations, not in conflict with the statutes of this State, for the safe keeping, discipline, government, maintenance and working of the convicts of Alabama as shall be necessary, and from time to time change, alter or amend the same so as to keep said system up to the very highest state of efficiency and abreast with the most advanced institutions governed according to the highest and most approved principles of penology. In making said rules and regulations, and in having the same executed, they shall ever bear in mind that the prime object of the convict system is to relieve society of the criminal and to protect the

Appointment of other officers

Powers of Board.

Bonds of officers.

Requisition for Supplies.

Rules and regulations.

Objects of system.

people from contamination incident to a free intercourse of the criminal with society; second, to so discipline the convict in body, mind and soul as that at the end of his term he may be discharged fitted to rightly perform the duties of a citizen as an honest man; third, to make this system self-supporting, if possible.

Removal of Inspectors.

SEC. 4. Be it further enacted, That whenever it shall come to the knowledge of the Governor, by any means, that the conduct of the president of the board of inspectors, or any inspector, is illegal or improper, he shall inquire into the same, and if he should determine that the public good requires that the same be brought to the attention of the managers of convicts, he shall direct the attorney-general to prepare charges and specifications of such conduct, and have a copy thereof served on the said president of inspectors or inspector, and shall assemble the managers of convicts at such time and place as may be most convenient, who shall thereupon investigate the truth of such charges, and allow the officer charged an opportunity to produce before them such legal evidence as he may be able, touching said charge, and after hearing all the evidence in relation to such matter, the managers shall ascertain the truth thereof; and if, in their judgment, such charges are true, and the public good, especially of the convict system, requires it, may remove said president of inspectors or inspector, from office, with the approval of the Governor. That upon the expiration of the present term of office of the president of inspectors, said office shall cease and determine, and there shall thereafter be appointed by the manager of convicts, with the approval of the Governor, a superintendent of convicts of Alabama, who shall hold his office for the term of six years, who may be removed from office in the manner prescribed herein.

Superintendent; term of.

Appointment of Inspectors.

SEC. 5. Be it further enacted, That upon the expiration of the term of office of the inspectors of convicts, the managers of convicts shall, with the approval of the Governor, appoint inspectors of convicts as their successors, who shall hold office for six years respectively; Provided, that any vacancy that may occur in the office

of inspector or surgeon, by reason of the term of office of any of the above named officials expiring before the board is organized, may be filled by appointment of the Governor.

SEC. 6. Be it further enacted, That the inspectors of convicts shall give such time as may be required by the managers of convicts to inspecting the prisons where the convicts are confined, and the shops and other places in which they may be worked, and shall assist the superintendent in executing the provisions of this law and shall take care that the officers, agents, employes, keepers and guards of state and county convicts shall obey this law and carry the same out according to its true intent and meaning, and that whenever any neglect of duty or willful violation of this law or any rule or regulation promulgated hereunder shall come to the knowledge of the inspectors, if the same be by any officer, they shall report him immediately, in writing, to the superintendent of convicts, and in cases of emergency they may suspend such officer from the performance of his duties until the matter may be examined into and corrected; and in cases where a neglect of duty or violation of the law has been done by the keeper, a guard or employe, the inspector shall have the power to discharge him. The inspectors shall, whenever required to do so by the Governor, managers of convicts or the superintendent of convicts, examine, in person, the jails, shops or houses where convicts, state or county, are confined and worked, and to visit any other place for the purpose of inquiring into and being informed in reference to the proper discipline and working of the convicts or administration of penal institutions, and make report to the Governor of their inspection. In the absence of the superintendent of convicts, or in case of his sickness, resignation, death or removal, the senior inspector of convicts shall perform the duties of the superintendent of convicts until a superintendent shall be duly appointed and qualified. The inspectors of convicts must be men of good moral character, of integrity and fair standing and in good repute for judgment, and may be removed for cause in

Duties and Powers of Inspectors.

Removal.

the same manner hereinbefore prescribed for the removal of the president of inspectors.

SEC. 7 Be it further enacted, That the superintendent of convicts, in the absence of the managers of convicts, shall have the power to appoint for the penitentiary proper, and for every other prison that may be established, a warden, and, when necessary a deputy warden, physician, chaplain, clerk, and all other necessary keepers, guards and servants as may be necessary to the proper conduct and management of said prison, to be determined by the managers. The said warden, deputy warden and all other officers, agents and employes shall receive such compensation as may be fixed by the managers of convicts. The superintendent shall have the power to suspend any warden, deputy warden, physician, chaplain, teacher, clerk, keeper, guard or other employe or person engaged in or about the penitentiary, or any prison connected therewith ; and when he removes a warden, deputy warden, physician or chaplain, he shall report the same, with his reasons therefor, to the managers of the convicts, who shall have full jurisdiction of the case. The managers of convicts shall also designate which of the officers, keepers, guards or employes of the penitentiary, or any person engaged therewith, shall reside in or near said prison; and whenever they are required to reside in or near said prison, they shall be furnished with suitable and comfortable quarters within which to reside. No appointment to any position in the penitentiary, or any of the prisons in connection with the convict system of Alabama, shall be on the ground of political partizanship, but honesty, capacity and adaptation shall constitute the rule for appointment; and any violation of this rule shall be sufficient cause for the removal from office of the officer committing such violation. No person under twenty-one years of age, or who is not a citizen of the State at the time, or who has ever been a convict, shall be appointed to hold any office at the penitentiary or any prison connected therewith, nor shall any person who habitually uses intoxicating liquors of any kind be appointed to any office or position of trust

Duties and power of Superintendent.

Warden.

Residue of certain officers.

Non- partisan appointments

in connection with the convict system of Alabama. In the absence of the superintendent, any warden in the penitentiary or any prison where any state convicts are kept shall have the right to discharge and remove any deputy warden, keeper, guard or employe, and shall have the right to suspend any physician, chaplain, teacher or clerk, and to report such suspension, with his reasons therefor, immediately to the superintendent of convicts. The warden of the penitentiary, and of each of the prisons hereafter to be established, shall reside in a house connected therewith, which shall be provided therefor.

Duty and power of Warden

SEC. 8. Be it further enacted, That the superintendent of convicts shall have his office in the state capital. He shall, in the absence of the managers of convicts, have the superintendence, management and control of the penitentiary and every prison connected therewith, and of all state and county convicts, and of all matters relating to the government, discipline, police, contracts and business concerns thereof. He shall have the power, and it shall be his duty, to inquire into all matters connected with the penitentiary, said prisons and convicts. He shall be ex-officio the secretary of the board of managers, and shall keep or cause to be kept a faithful and full record and minutes of all their proceedings, and shall to the best and utmost of his ability execute and carry out the same, according to their true intent and meaning. The superintendent, with the approval of the managers of convicts, shall appoint a clerk or clerks who shall perform, under his directions, such duties as the managers of convicts may prescribe. The superintendent shall require reports from the warden or other officers of the penitentiary or any prison, in reference to their conduct as such officers, and he shall have the power, and it is his duty, to inquire into any improper conduct which may be alleged to have been committed by the warden or any other officer, keeper, guard or employe of any of said prisons.

Office, duties, and power of Superintendent

Appoints clerk

Reports

SEC. 9. Be it further enacted, That the warden of the penitentiary and of each the prisons connected

therewith shall attend regularly at such prison and exercise a general supervision over its government, discipline and police, and attend to the physical and business concerns of the prison, and to conform to and enforce the rules and regulations prescribed by the managers or superintendent of convicts in relation thereto. He shall give the necessary directions to the subordinate officers and employes of such prison, and shall examine whether they have been careful and diligent in the discharge of their several duties, shall examine diligently into the prison under his control, and into the health, condition and safe keeping of the convicts, and inquire into the justice of any complaints made by the convicts relative to their provisions, clothing and treatment by such officers and employes; he may make such general orders or rules for the government of such subordinate officers or employes of the prison, not in conflict with the laws of the state nor with the rules and regulations prescribed by the managers of convicts, as he may deem proper, which rules and orders shall be entered in a book provided for that purpose, and copies thereof shall be printed and each of said subordiuate officers and employes shall be furnished with a printed copy thereof upon his appointment.

Duties and powers of Wardens.

Rules furnished.

SEC. 10. Be it further enacted, That the warden of the penitentiary and of each said prisons shall cause to be kept a daily journal of the proceedings of the prison, in which shall be entered a note of all infractions of the rules and regulations by every officer which shall come to his knowledge, and every punishment inflicted on a prisoner, the nature and ground therefor, and by whom it was inflicted, and also a memorandum of every well founded complaint made by any convict of bad or insufficient food, want of clothing, or cruel or unjust treatment by a keeper or guard. Such journal shall be kept open at all times for the examination of any manager of convicts, the superintendent of convicts or any inspector of convicts and chaplain and surgeon.

Record by Warden.

SEC. 11. Be it further enacted, That the warden of

the penitentiary and of each said prisons shall furnish to each convict who shall be discharged from prison necessary clothing not exceeding $12 in value, and when said convict is discharged between the first day of November and the first day of April following, he shall receive in addition thereto an overcoat, not exceeding $6 in value, and also $5 in money and a railroad ticket or tickets for the transportation of one person from such prison to the place of conviction of such convict, or to such other place as such convict may designate at no greater distance from said prison than the place of conviction, but money shall not be paid in lieu of ticket.

clothing, etc., for discharged convicts.

SEC. 12. Be it further enacted, That if the warden of the penitentiary or of any prison connected therewith, shall wilfully neglect or refuse to make any return, report, estimate or statement, required by managers, or to transmit any statement and certificate of deposit to the superintendent of convicts as hereby directed, he shall be guilty of a misdemeanor, and shall be removed immediately.

Failure of Warden to perform duty.

SEC. 13. Be it further enacted, That it shall not be lawful for any officer, agent or employe of the penitentiary or any prison connected therewith, or with the convict system of Alabama, to buy any goods, wares, merchandise or personal property of any kind without having first made a requisition addressed to the superintendent of convicts in a form to be prescribed by the managers, stating specifically what articles are needed, character, quality and quantity thereof, and the purpose for which they are to be used, and upon the approval of the superintendent of said requisition said purchases may be made in open market, but no articles of any kind shall be bought and paid for unless the requisition as heretofore prescribed has been made to the superintendent and approved by him. Whenever any bill is rendered for any article sold to the state of Alabama for the penitentiary, it shall be accompanied by an affidavit of the seller, or his agent, that the same is just and true, and that neither seller nor buyer, nor any other person for either of them has received any

Requisitions for supplies.

Affidavit to accounts.

rebate, return commission, present, or gratuity, nor any promise thereof, and that the prices at which said articles are charged in said bill are the real prices for which said articles were sold.

Contracts by officers.

SEC. 14. Be it further enacted. That no officer, agent or employe or the penitentiary, or any prison connected therewith, or of the convict system of Alabama, shall have the power to make any contract of any kind, except as herein prescribed, which shall be binding upon the state of Alabama.

Prohibtion as to officers.

SEC. 15. Be it further enacted. That no manager, nor the superintendent of convicts, nor any inspector of convicts, nor the warden of the penitentiary or any prison connected therewith, nor any other officer or employe at either of the said prisons, shall be directly or indirectly interested in any contract, purchase or sale, for, by or on account of the penitentiary or of any prison connected therewith, nor shall the superintendent of convicts, nor any officer, keeper or guard, or any person employed at any of said prisons accept of any present from any contractor or contractor's agent either directly or indirectly, or employ the labor of any convict or person employed in such prison on any work for the private benefit of such superintendent, officer, keeper or guard, except that the warden be entitled to employ convicts for necessary household services as hereinbefore provided; nor shall any one whatever convey into either of the prisons of this state any article for the use of the convicts prohibited by the rules prescribed by the managers of convicts, or superintendent or guard of the prison, or by the laws of the state, and any person violating this section shall be deemed guilty of a misdemeanor.

Affidavits.

SEC. 16. Be it further enacted, That the superintendent of convicts and his clerks and inspectors may administer oaths and take affidavits in all matters relating to the affairs of the penitentiary or any prison connected therewith, or of the convicts, state and county. The warden and clerk of every prison are authorized and required to take affidavits in all matters of account against their respective prisons, and also in relation to

the fees of sheriffs in bringing convicts to either of said prisons; and also as to any complaint or other report or certificate or estimate which may be required to be made by any officer, employe, keeper or guard of said prison, or to be made by any convict therein.

Wardens in charge of property.

SEC. 17. Be it further enacted, That the warden of the penitentiary shall have charge thereof, and of the land belonging to the state of Alabama adjacent thereto, and which may hereafter be purchased and worked in connection therewith. The warden of every prison which may hereafter be established shall have charge and control of the prison over which he is appointed and over all the property of the state, and of convicts which may come into his hands by virtue of his office, and over the land of the State set apart and devoted to the use of the said prison unless otherwise directed by the managers of convicts.

ARTICLE II.

OF THE DISPOSITION, DISCIPLINE AND INSTRUCTION OF CONVICTS.

State convicts sent to penitentiary.

SEC. 18. Be it further enacted, That all persons convicted of a felony and sentenced to imprisonment in the penitentiary shall be delivered as speedily after sentence as practicable to the warden of the penitentiary at Wetumpka, Ala., or at such other prison as the superintendent of convicts may direct. And in all cases where defendants are convicted and sentenced to the penitentiary, in which an appeal is taken to the supreme court, and sentence of conviction affirmed, the convict shall at once be sent to the penitentiary.

Minutes of the court as to convict's trade or business.

SEC. 19. Be it further enacted, That it shall be the duty of the court in which any person shall be convicted of offenses punishable by imprisonment in the penitentiary, before passing the sentence therefor, to ascertain by examination of said convict on oath and by such other evidence as can be obtained, whether such convict had learned and practiced any and what mechanical trade, and in like manner such other facts

tending to indicate the cause of the criminal character or conduct of such convict as to the court shall seem proper and desirable, and the court shall direct the clerk of the court to enter such facts thus ascertained, and such other facts as the court may deem desirable, upon the minutes of the court, and said clerk shall append a copy thereof to the certified copy of the sentence of such convict, which shall be delivered with said convict to the warden of the penitentiary.

Commuted sentences.

SEC. 20. Be it further enacted, That the warden of the penitentiary shall receive into his custody, on the order of the Governor, any person convicted of any crime punishable by death, and whose sentence shall have been commuted to a term of years or for life, and confine such prisoner according to the terms of such order of commutation.

Transfer of convict to other prison.

SEC. 21. Be it further enacted, That whenever the superintendent of convicts shall order the transfer of any convict from one prison to another, the warden of the prison from which such transfer is to be made shall cause the convicts to be transported safely to the prison to which they are ordered to be transferred, and to be delivered, together with the certified copies of their sentences, to the warden of such last mentioned prison, who shall receive and keep them according to their sentences, respectively. All necessary expenses of such transfer of such convicts shall be deemed a part of the incidental expenses of the prison from which they shall be transferred. The necessary expenses of the transfer of any convict from the penitentiary or any prison connected therewith to the Insane Hospital or any other asylum or penal institution hereafter to be established shall also be deemed a part of the incidental expenses of such prison.

Convicts graded.

SEC. 22. Be it further enacted, That one of the managers of convicts to be designated by the board, the superintendent of convicts, the inspectors, the warden, the chaplain, the physician and teacher of the penitentiary, or of every prison now or hereafter established in connection with the penitentiary, shall constitute a board of commissioners to pass upon and

grade the convicts in such prison according to their conduct and according to such rules and regulations as may be prescribed by the board of managers.

Convicts promoted.

SEC. 23. Be it further enacted, That if it appear to said board of commissioners upon an application by any convict for promotion in grade, that the conduct of said convict has been good, and that he has kept all the rules and regulations of the prison, and from his conduct, progress in education and physical development, that there is just reason to believe that he will continue in well-doing, he shall be promoted to the next grade above him.

Keepers.

SEC. 24. Be it further enacted, That it shall be the duty of the superintendent of convicts, so far as practicable and necessary, to appoint, as keepers of convicts, persons qualified to instruct the convicts in the trades and manufactures prosecuted in such prison, or any other industrial occupations. Instructions shall also be given in the useful branches of an English education to such convicts as, in the judgment of the warden and chaplain, may require the same and who will probably be benefitted thereby; that the time devoted to such instruction shall not be less than two hours daily, Sundays excepted, between the hours of 6 and 9 in the evening, in such room or rooms as may be provided for that purpose.

Work and instruction of convicts.

Single cell.

SEC. 25. Be it further enacted, That whenever there shall be a sufficient number of cells in a prison to be established under this act, it shall be the duty of the warden to keep every convict single in his cell at night.

Clothing bedding, food.

SEC. 26. Be it further enacted, That the clothing and bedding of the convicts shall be of coarse material and manufactured, as far as practicable, in the penitentiary or some prison connected therewith. The convicts shall be supplied with a sufficient quantity of plain but wholesome food.

Punishments.

SEC. 27. Be it further enacted, That the managers of convicts shall provide, by rules to be approved by the Governor, for the punishment of convicts when necessary, and no convict shall be punished except as so provided.

SEC. 28. Be it further enacted, That whenever any manager, the superintendent of convicts, or any inspector of convicts, shall have reason to believe that any convict in the penitentiary or any prison connected therewith -wad insane at the time he committed the o£-fense for which he was sentenced, such officer shall indicate in writing to the Governor his reason for such opinion, and shall refer the Governor to all sources of information with which he may be acquainted in relation to the insanity of such convict. Insane Convicts.

SEC. 29. Be it further enacted, That whenever a convict shall die in the penitentiary, or in any prison connected therewith, it shall be the duty of the superintendent of convicts, or any inspector of convicts, or warden, physician or chaplain of the prison where such convict dies, if they or either of them shall have reason to believe that the death of the convict arose from any other cause than ordinary sickness or accident, to call upon the coroner having jurisdiction to hold an inquest upon the body of such deceased convict. Coroner's inquests.

SEC. 30. Be it further enacted, That in case any pestilence or contagious disease shall break out among the convicts in the penitentiary or any prison connected therewith, or in the vicinity of any such prison, the superintendent of convicts may cause the convicts confined in such prison, or any of them, to be removed to some suitable place of security, where such of them as may be sick shall receive all necessary care and medical assistance. Such convicts shall be returned as soon as may be to the prison from which they were taken, to be confined therein according to their respective sentences. Epidemics.

SEC. 31. Be it further enacted, That whenever, by reason of any prison or of any building contiguous to such prison being on fire, there shall be reason to fear that the convicts may be endangered or released, it shall be the duty of the warden, or in his absence, of the officer in charge of said prison, to remove such convicts to some safe and convenient place and there confine them until the necessity for such removal shall have ceased. Whenever, in the judgment of the Gov- Fire.

ernor it is necessary, from any cause, to remove any convicts from a prison, he may order them to be removed to such other prison or place as he may deem best, and there to be confined for such time as may be necessary.

Removal of convicts.

SEC. 32. Be it further enacted, That no person not authorized by law, or by written permission from the superintendent of convicts, or some inspector of convicts, shall visit the penitentiary, or any prison connected therewith, without the consent of the warden, nor shall any such person, without said consent, bring into or take out of the penitentiary, or any prison connected therewith, any letter or writing to or from any convict, nor shall any letter or writing be delivered to a convict, or if written by the convict, be sent from the prison until the same shall have been examined and read by the warden, or some other officer of the prison duly authorized by the warden; but any convict may write to the Governor, any manager of convicts, the superintendent of convicts, or any inspector of convicts, without having his letter or writing examined by any person or officer. Any person or officer who shall read, destroy or detain any letter written by a convict to the Governor, manager of convicts, superintendent or inspector of convicts, shall be guilty of a misdemeanor, and if he be an officer or employee of the penitentiary, or of any prison connected therewith, he shall be removed or discharged from his said office or employment.

Visitors.

Convict mail.

ARTICLE III.

OF THE LABOR OF CONVICTS.

SECTION 33. Be it further enacted, That the superintendent of convicts and the inspectors may, from time to time, cause the convicts to be classified, and in such manner as they may think best, and change or rearrange the divisions as the interest of the convicts, in their judgment may require.

Classification.

SEC. 34. Be it further enacted, That the white convicts shall be separated from negro convicts, or convicts

Races and sexes separated.

of mixed blood, and no female convict shall be confined in the same ward or cell with male convicts.

SEC. 35. Be it further enacted, That all convicts under sixteen years of age shall be separated and confined and worked apart, as far as practicable, from all other convicts, and as soon as practicable the managers of convicts shall cause to be erected and furnished a prison reformatory, which shall be managed and controlled under such rules and regulations as the managers of convicts may prescribe therefor; and as soon as said reformatory is ready for occupancy all convicts under sixteen years of age, that the board of managers may deem suitable, shall be transferred to said reformatory, and there confined. Whenever any convict confined in said reformatory shall, by his conduct, show that he is nut thereby benefitted, he shall be transferred to the penitentiary, and there confined and worked as other convicts are.

Juvenile reformatory.

SEC. 36. Be it further enacted, That the managers of convicts may authorize the making of contracts, whereby the labor of convicts in this State may be let or hired to contractors at a price per day, week, month or year. But in every such case the convicts when so hired, shall, at all times, be under the management and control of the board of managers of convicts, and under the immediate custody and control of a warden or person in the employ of the State, and shall be fed, lodged, clothed and doctored by the State, and as provided for in this act. The managers of convicts, so far as practicable, shall cause the convicts who are physically capable therefor to be employed at hard labor every day except Sunday, Fourth of July, Thanksgiving days, Christmas and Washington's birthday; but such hard labor may be for the purpose of production and profit or for the purpose of intellectual training and instruction, or partly for one and partly for the other, of said purposes as herein provided.

Contracts for Labor of Convicts.

Holidays.

Labor.

SEC. 37. Be it further enacted, That the labor and instructions of the convicts of the first or better grade shall be directed with reference to fitting the convict to maintain himself by honest industry after his discharge

First grade convicts.

from imprisonment, as the main object of such labor and training.

SEC. 38. Be it further enacted, That the labor of all other convicts shall be at such hard labor as the board of managers may provide from time to time. The board of managers are fully invested with authority to make all necessary rules and regulations not inconsistent with the laws of this State, for the working of convicts as they may deem to be to the interest of the convict and of the State of Alabama.

Labor of other grades.

SEC. 39. Be it further enacted, That the labor of the lower grade of convicts shall be directed solely to such industries or employments as shall tend to the preservation of health, and to labor most beneficial and profitable to the State and not forbidden by the terms of this act.

Same.

SEC. 40. Be it further enacted, That it shall be the duty of superintendent of convicts to obtain the full market price of all products of the labor of convicts manufactured in the penitentiary, and in any prison connected therewith.

Price of products.

SEC. 41. Be it further enacted, That it shall be the duty of managers of convicts from time to time to determine what occupations or lines of productive labor shall be pursued in each prison and by the convicts in this State; and in so doing the managers of convicts so far as they can, shall select diversified lines of industry, and with reference to the healthfulness of the labor or occupation; and shall prefer, other things being equal, those industries requiring the least skill and the smallest outlay for machinery, tools and appliances to successfully carry on the same, and so far as practicable, in occupations in which the convicts will be most likely to obtain employment after their discharge. But no convict, State or county, shall be employed in any mines in this State, except as provided for in this act. The superintendent of convicts shall annually cause to be procured and transmit the same to the managers of convicts with his annual report to be by them sent to the Governor to be transmitted to the Legislature, a statement showing in detail the amount and quantity

Diversified industries.

Mine work prohibited.

Annual reports

of each of the various articles manufactured in the several prisons under his control within the State, the price at which the articles have been sold, together with the earnings of all convicts of the State.

Articles supplied to State Institutions.

SEC. 42. Be it further enacted, That the management of convicts shall cause to be manufactured in the penitentiary and prisons connected therewith such articles as are commonly needed and used in the public institution of this State for clothing and other necessary purposes for such institutions and the inmates thereof; and all such articles manufactured in the penitentiary and not required for use there shall be furnished the several public institutions, supported in whole or in part by the State for the use of their inmates, upon requisitions of the trustees or managers thereof, upon the superintendent of convicts, and no article so manufactured shall be purchased by such public institutions unless the same cannot be furnished upon such requisitions. That the managers of convicts shall take care that all clothing, bedding, furniture, fixtures, appliances, tools and every other tiling used in and about or for the convicts shall be made by the convicts, and all articles of food which can be profitably raised in Alabama shall be raised by the convicts of sufficient quantity to supply every convict in the penitentiary, or any prison connected therewith, or other public institution of the State where such articles are needed and are of the desired quality.

Price to be fixed by special Board.

SEC. 43. Be it further enacted, That the auditor, the superintendent of convicts and the inspectors of convicts shall constitute a board, whose duty shall be to fix and determine the value and the prices at which all articles manufactured or raised, as provided in the last preceding section, and furnished for use in the several public institutions in this State, shall be so furnished, which prices shall be uniform to all such institutions. The auditor, with the advice and assistance of the attorney-general, shall devise and furnish to all such institutions a proper form for such requisition, and also a proper system of accounts to be kept for all such transactions. Nothing in this act contained shall be so construed as to prevent any one of the public institutions of the State from manufacturing by its own inmates such articles or supplies as may be needed for its own use or for the use of its inmates.

SEC. 44. Be it further enacted, That it shall be the duty of the managers of convicts, from time to time, to buy, lease and condemn as much land in this State, in addition to the lands now owned by said State, as in their judgment may be necessary for the use of the convicts, and on which they or any number of them may be employed and in such manner as the managers may direct. That it shall be the duty of the managers of convicts to cause to be erected on the lands now owned by the State and hereafter acquired for the State under the provisions of this act, by the labor of convicts as near as possible, all suitable buildings, structures, houses, and prisons for the use of the convicts, and also suitable hospitals for the care and treatment of the sick, diseased and disabled convicts. That the title of any lands purchased under this act shall vest in the State of Alabama.

Land purchased or leased.

Buildings.

SEC. 45. Be it further enacted, That if, in the judgment of the managers of convicts, a suitable location of sufficient area can be had adjoining or near to the farm on Tallapoosa river belonging to the State of Alabama, they shall purchase or condemn said land and cause to be erected thereon a prison of sufficient capacity, and shall also cause to be erected and equipped, in connection therewith, such workshops, store-houses and buildings as they may deem necessary and proper for making and repairing the tools and appliances necessary to be used in cultivating said farm, and in making and housing the crops thereon.

State Farm.

SEC. 46. Be it further enacted, That for the purpose of furnishing the means with which to carry out the provisions of this act, and to put into operation a complete convict system for the State, there is hereby appropriated the entire net income of the convict system of Alabama for the year ending September 30, 1892; and there is hereby appropriated the whole net income of said system for each of the five years next ensuing, which shall be get apart and not used for any other purpose, and shall be known as The Penitentiary Fund.

Penitentiary Fund.

SEC. 47. Be it further enacted, That it shall be the duty of the Attorney General of this State, to draw and prepare all contracts which may be required under the provisions of this act, when requested to do so by the managers of convicts or the superintendent thereof.

Form of contracts.

SEC. 48. Be it further enacted, That upon the termination of the contract with the Tennessee Goal, Iron and Railroad Company by limitation, or upon the abrogation or cancellation thereof under the provisions of the existing laws under which said contract was made and which laws are hereby continued in force as to said contract, said contract shall not be renewed or extended, and all of the convicts worked under said contract at its termination shall be transferred to the penitentiary or some prison connected therewith and worked and disciplined under the provisions of this act. That it is the true intent and meaning of this act, that the convicts now worked under contract in any of the coal mines of this State shall be removed therefrom as rapidly as practicable, by the first day of January, 1895, if it can be done without detriment to the financial interests of the State, and when so removed shall never be again worked in any of the mines of said State; Provided, however, that said contract shall not be abrogated or concluded except upon the written recommendations of the managers of convicts.

Termination of mine contract.

Removal of Convicts from mines.

ARTICLE IV.

OF COUNTY CONVICTS.

SECTION 49. Be it further enacted, That all persons convicted of a violation of the criminal laws of the State of Alabama, and sentenced to hard labor for the county, shall be known and called "County Convicts;" they shall be worked w the county where convicted, under the immediate control and management of the commissioners of roads and revenue of the several counties, under the rules and regulations and inspection to be prescribed by the managers of convicts, who shall take care that said rules and regulations are uniform throughout the State, and that the same are faithfully complied with according to their true intent and meaning.

County convicts.

SEC. 50. Be it further enacted, That any county may, with the approval of the managers of convicts, contract and have its county convicts worked in some adjoining county in the same judicial circuit, but when worked in said adjoining county they shall be worked, controlled, disciplined and provided for in every respect as though

Where may be worked.

they were worked in the county of their conviction, and the hire of said convicts, or the net profits arising from their labor, shall be paid over to the county in which said convicts are convicted.

Certain county Convicts sent to penitentiary.

SEC. 51. Be it further enacted, That whenever any convict sentenced to hard labor for the county has been convicted of petit larceny, embezzlement, obtaining goods or money by false pretenses, the said convicts may, at the discretion of the judge sentencing them, be confined and worked in the penitentiary or some prison connected therewith, and the net profits arising from his labor shall be paid to the county in which he was convicted. The managers of convicts shall prescribe a rule by which the profits of any county convict worked under this section may be ascertained and paid over to the county in which he was convicted.

Earning of.

Public roads.

SEC. 62. Be it further enacted, That whenever the commissioners of roads and revenues of a county deem that it is to the best interest of the county to use the county convicts in building, repairing and working the public roads of the county, they may so work them under rules and regulations to be prescribed by the managers of convicts, which shall be uniform throughout the state for working county convicts on the public roads.

Sexes and races separate.

SEC. 53. Be it further enacted, That male convicts shall not be confined with female convicts, and white convicts shall not be confined with negro convicts.

Duty clerk of court.

SEC. 54. Be it further enacted, That upon the conviction and sentence of any person to the penitentiary, the clerk of the court in which sentence is pronounced, shall immediately transmit to the superintendent of convicts a certified copy of such sentence and a certified copy of the statement put upon the minutes of the court under the direction of the court as required by this law, and also a certified statement or bill of costs of said conviction containing the following items only: clerk's fees for issuing subpoenas for state witnesses, issuing capias, docketing the cause for continuances, taking recognizance, final judgment, final record, record for the supreme court, and sheriff's fees for

executing writ or warrant of arrest, taking bond and serving subpoenas on State witnesses, for committing prisoners to jail and for releasing prisoners from jail, and costs of committing magistrate on preliminary examination not to exceed five dollars; and when on conviction of a defendant, city or county solicitors, special county solicitors and district solicitors are entitled to fees by law, or when said fees are payable now by law into the county treasury, said fees shall be included in the bill of costs hereby required. Upon receipt by the superintendent of the copies of said transcripts of conviction, and a copy of such statements and bill of costs, he shall examine said bill of costs and shall also order the removal of said convicts to the penitentiary under such rules and regulations as may be prescribed therefor by the managers of convicts; and when such convict is received at the penitentiary, the superintendent of convicts, if said bill of cost is correct, shall request the auditor to draw his warrant on the State treasurer in favor of said clerk for the correct amount of said cost bill; but no warrant shall be drawn for payment of any cost until the clerk of the court shall have complied fully with all the requirements of the law in reference to the making and certifying of transcript and the statement accompanying the sentence and the said bill of costs, nor until the convict has been lodged in the penitentiary. Whenever any convict is sentenced by the court and required to do hard labor for the county, an additional sentence, not to exceed six months in any one case for the payment of costs of his conviction, may be imposed and the court pronouncing said sentence must determine the time required to work out said costs at the rate of fifty cents per day, and in all cases must name the day in the sentence upon which the term of hard labor shall end and determine, and no county convict shall be detained at hard labor after the day mentioned in said sentence. Whenever successive sentences to hard labor for the county amount to a length of time of more than two years, if any off the crimes for which said convict is convicted involves moral turpitude, such county convict shall be sentenced

Transcripts and cost bills.

Removal of convict upon sentence.

Term and rate per diem for costs.

Aggregate term exceeding two years.

on conviction to the penitentiary or some prison connected therewith, and the profits arising from his labor to be ascertained by the managers of convicts, shall be paid to the credit of the fine and forfeiture fund of the county in which he was convicted.

Deduction for good conduct.

SEC. 65. Be it further enacted, That every convict who shall by good conduct maintain himself shall be entitled to a reduction from his services as follows: From each of the first two years, two months; from each of the next two years, three months; from each of the next two years, four months; and from each of the next two years, five months; and from the remainder of said sentence over eight years, six months from each year; and the provisions of this section shall apply to convicts heretofore sentenced, and now confined under said sentence.

Misconduct of officers.

SEC. 56. Be it further enacted, That it shall be sufficient cause for the removal of any officer, agent, employee, keeper or guard of the penitentiary, or of any prison connected therewith, or in charge of any county convicts, who violates any statutes or rules, for the government of convicts, who neglects his duty, is drunk while in office, cruel to convicts, unmindful of the interest of the State or county.

County convicts worked in mines.

SEC. 57. Be it further enacted, That nothing in this act shall prevent the working of county convicts in any mine in this State, until after the removal of the State convicts from the mines, under the provisions of this act, then thereafter no county convict shall be hired or worked in any mine in Alabama, neither shall any county convict thereafter be confined or worked out of the judicial circuit in which he is convicted; and

Removal of county convicts.

it shall be the duty of all hirers of county convicts, on the removal of the State convicts from the mines, to immediately deliver them to the sheriff of the proper county at the cost of the hirer, to be thereafter worked under the provisions of this act.

GENERAL RULES AND PRINCIPLES.

SEC. 58, Be it further enacted, That in the government of the penitentiary and all prisons connected

therewith, and in all work houses of the county, no officer, guard or employe shall be reproved or reprimanded or punished in the presence or hearing of a convict, nor shall his work, conduct or control of the convict be criticised or discussed in the presence or hearing of a convict. No reproval of officer allowed.

Wherever practicable a convict reported by any officer, keeper or guard for a violation of the law, rules or regulations in reference to convicts is punished therefor, said punishment shall not be determined or inflicted by the officer, keeper or guard reporting said convict, nor shall he be present when such punishment is inflicted. Officers reporting convict can not punish.

No vinous, spirituous or malt liquors, or intoxicating drinks of any kind, or narcotics except tobacco shall be furnished or allowed to be used by any convict, state or county, unless prescribed by the physician. No liquors allowed.

The attendance by state convicts upon the schools established and taught in the prisons herein provided for shall be obligatory upon all such convicts as the warden and chaplain may determine may be benefitted by attending such schools. That attendance upon divine services conducted by the chaplains shall be obligatory upon every convict confined in the prison where such services are held, when he is physically able to attend. Attendance at schools and divine service.

SEC. 59. Be it further enacted, That all rules and regulations which have heretofore been made with the approval of the governor shall remain in full force and effect wherever they are not in conflict with the provisions of this act, until they are amended or repealed by the managers of convicts. Previous rules and regulations.

SEC. 60. Be it further enacted, That all laws and parts of laws, in reference to state and county convicts in this state, not inconsistant with the provisions of this act, are not repealed by the provisions of this act, and are hereby continued in full force and effect. Previous laws.

Provided that nothing in this act shall prevent the hiring or working of county convicts in any mine in this state at any time prior to the first day of Janunry 1895, notwithstanding the state convicts may have been Time for removal of county convicts.

removed from the mines, prior to said time under the provisions of this act.

SEC. 61. Be it further enacted, That no judicial or executive officer of the state of Alabama or of the federal government shall be permitted to hire any convicts either state or county, and any judicial or executive officer of the state of Alabama who shall be in any way interested in the hiring or working of any convicts in the state of Alabama shall by such act vacate such office.

Approved February 14th, 1893.

No. 103.] AN ACT [H.B.141

To increase the per diem of commissioners of roads and revenues for Choctaw county.

Amount. Section. 1. Be it enacted by the General Assembly of Alabama, That the per diem of the commissioner of roads and revenues of Choctaw county, be increased from two dollars and fifty cents to three dollars and fifty cents.

Approved January, 26th, 1893.

No. 104.] AN ACT [H. B. 58.

To provide for destroying abandoned, diseased, or injured animals.

Section 1. Be it enacted by the General Assembly of Alabama, That any agent, officer or member of a duly incorporated society, for the prevention of cruelty to animals may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for, appearing in the judgment of two reputable citizens called by him to view the same in his presence, to be superanu-

ated, infirm, glandered, injured, or diseased past recovery for any useful purpose.

Approved January 30th, 1893.

No. 105.] AN ACT [H.B. 66.

To regulate and prescribe the manner of electing county commissioners of Pike, Bullock, Washington, Baldwin, Butler, Choctaw, Fayette, Shelby, De Kalb and Pickens counties.

Section 1. Be it enacted by the General Assembly of Alabama, That the qualified voters of Pike, Bullock, Washington, Baldwin, Butler, Choctaw, Fayette, Shelby, De Kalb and Pickens counties, shall at the general election to be held on the first Monday in August 1896 elect one county commissioner for each district of said counties, whose time of office shall begin at the expiration of the term of the present commissioner. Commissioners elected.

SEC. 2. Be it further enacted, That the commissioners elected as provided in section 1 of this act, for the second and fourth districts, shall hold their office for two years, and those elected in the first and third districts shall hold their office for four years. Terms.

SEC. 3. Be it further enacted, That at the general election on the first Monday in August, 1898, two commissioners shall be elected for the second and fourth districts, who shall hold for a term of four years, so that thereafter two commissioners shall be elected at the general election every two years, and hold office for four years. Terms.

SEC. 4. Be it further enacted, That each voter is entitled to vote for the commissioner in the district only in which said voter resides. How voted for.

SEC. 5. Be it further enacted, That no person shall be eligible to election as commissioner, unless he shall have been a resident of the district in which he offers for election at least twelve months next proceeding such election. Eligibility.

SEC. 6. Be it further enacted, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved January 30th, 1893.

No. 106.] AN ACT [H. B. 48

To provide for the permanent location of the county site of Clarke county by a vote of the people of said county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the probate judge
Election. of Clarke county, State of Alabama, to order an election to be held in said county on the 2d Monday in March, 1893, for the purpose of permanently locating the county site of said county, and said election shall be held in the same manner and under the same restrictions and penalties as are now provided for by law for the election of members of the general assembly.

SEC. 2. Be it further enacted, That each voter shall have written or printed on his ticket the name of the place at which he desires the county site to be perma-
Duty of super- nently located, and it shall be the duty of the board of
visors. supervisors to correct and compare all the votes polled, and if any place shall have received a majority of all the votes polled, they shall declare such place the permanent county site of Clarke county, but if no place shall have received a majority of all the votes polled, then it shall be the duty of the probate judge in like manner as before to order said election to be held on the second Monday in April, 1893, at which election the vote shall be taken between the two places which shall have received the highest and the next highest vote at the first election, and a majority of the votes cast at such election shall determine the question of the permanent location of the county site of Clarke county, that the place which shall have received the majority of all the votes cast at said second election.

SEC. 3. Be it further enacted, That if a majority of all the votes cast at either of said elections shall deter-
Location of mine the removal of the county site of said county from
county site. its present location, then it shall be the duty of the commissioners court to appoint a committee of live legal citizens residing in said county whose duty it shall be to select the most suitable location for the erection of the courthouse and other public buildings within one mile of the place chosen as the permanent county site, and they are hereby authorized and empowered to purchase or receive

by donation a fee simple title to and in any lots and lands so as to vest the title in the county of Clarke.

SEC. 4. Be it further enacted, That in the event of the removal of the county site from its present location, then it shall be the duty of the court of county commissioners to sell all lands and other property belonging to the county, located at the present county site, and to use the proceeds in the erection of the new public buildings, and they are hereby authorized and empowered to execute deeds to said property; Provided, that nothing in this act shall prevent said commissioners from using any of said property in the erection of the new public buildings. Sale of old site.

Approved January 30th, 1893.

No. 107.] AN ACT [H. B. 368

To authorize and direct the Commissioners' Court of Limestone county to establish districts in said county in which hogs, sheep and goats may be prevented from running at large.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Commissioner's Court of Limestone county may establish districts in said county in which hogs, sheep and goats shall not be allowed to run at large. Districts established.

SEC. 2. Be it further enacted, That whenever any five land owners or freeholders petition said court in writing, stating that they desire an order to be made establishing a district where hogs, sheep and goats may not be permitted to run at large describing such district and stating that petitioners reside in said district that said petition must be filed with the judge of probate of said county and said judge of probate must cause a notice of said application or petition to be posted in three public places in the district described in the petition, and at least two notices of the said application shall be given in a newspaper published in the county. Elections ordered.

SEC. 3. Be it further enacted, That said Court of County Commissioners must, within thirty days of the filing of said petition, hear the petitioners and any person that may be opposed to the granting of said petition, and if said court is satisfied that a majority of the landowners or freeholders who own land in said proposed district,

and who are over the age of twenty-one years, are in favor of said district being established, then said commissioners' court must make an order granting said petition,
Order granting petition. and shall describe in said order on the minutes of said court, the boundary lines of said district so established, said order to go into effect thirty days after it is made. If an order is made by said court establishing a district in which hogs, sheep and goats is not permitted to run at large therein, then on and after the expiration of thirty days from the date of said order it shall not be lawful for hogs, sheep or goats to run at large in the district so established.

SEC. 4. Be it further enacted, That whenever any damage has been done to any property in the said district
Damages. by hogs, sheep or goats running at large in violation of the provisions of this act, the party whose property has been damaged may have the right to take possession of any hog, sheep or goat, if found at large or uncontrolled on the premises of such person, and when so taken up the person taking up such stock shall notify the owner of such stock or his agent, if the owner is made known to the taker-up, who must exercise due diligence in ascertaining the owner of such stock, if the owner or agent shall refuse to satisfy the taker-up for the damage done by such stock, said taker-up may within ten days after such damage was done, make complaint against the owner or agent of the stock, or person having them in charge, to a justice of the peace or notary public with powers of a justice of the peace, in said district in which said damage was done, describing the property damaged
Trail for damages and the stock doing the damage, and whenever such complaint is made, the justice of the peace or notary public shall issue notice to the owner or person in charge of said stock, commanding him or her to appear and answer on a day not less than five (5) nor more than ten (10) from the issuance of such complaint, said justice of the peace or notary public shall also issue notice to three (3)disinterested householders or freeholders, commanding them to assess and report to him on the day on which the owner or agent of said stock is required to answer said complaint, on their oaths, the amount of damage the complainant has sustained, which report shall be evidence on the trial of the cause, and if the owner or agent of the stock appears on the day he is commanded to appear, and answers said complaint, the justice of the peace or notary

public shall try such cause and render such judgment therein as the justice and equity of the case demands, but if the owner or agent of such stock does not appear and answer, the justice of the peace or notary public shall give judgment for the complainant for such damages as he may have sustained, and if judgment be rendered for the complainant, the justice of the peace or notary public shall also render judgment condeming the stock doing the damage to be sold, for the satisfaction of such judgment, and the costs of the suit, and shall issue execution in such judgment commanding any constable of the county to levy on and sell such stock, describing them in the execution, for the satisfaction of such judgment and costs. Provided, that no action shall lie under this section against any person living outside of the district described, and whose hogs, sheep or goats may stray across the line and tresspass on said district, unless the owner or agent may have had twenty four (24) hours no tice of such trespass and fails to take such stock out of the limits of said district within that time.

Judgment for damages.

SEC. 5. Be it further enacted, That either party shall have the right to appeal to the circuit court from the judgment of the justice of the peace or notary public in such cause.

Appeals.

SEC. 6. Be it further enacted, That if the owner or agent of the stock doing the damage is not known or made known to the taker-up, then he shall report the taking up and description of the stock to the nearest justice of the peace or notary public within twenty-four (24) hours after the taking up, and make affidavit that the owner is not known and that he has not been able to ascertain the name of the owner, and the affidavit shall also contain a short and clear description of the stock and that it was taken up on the premises of which the affiant was in possession or for which he was agent, and on the filing of such affidavit the same proceedings shall be had as in case of estrays under the existing laws of the State, except that no bond shall be given as now provided in such laws, but the taker-up shall be liable for any wilful neglect or injurious treatment or any conversion which may cause a loss of the stock so taken up.

Unknown owners.

SEC. 7. Be it further enacted, That the owner or manager of any hog, sheep or goat, who shall knowingly suffer such stock to run at large in violation of the provisions of this act, shall be guilty of a misdemeanor, and on

Penalty on owners stock.

conviction shall be fined not more than $25.00 for each hog, sheep or goat running at large ; Provided, that justices of the peace and notaries public with powers of justices of the peace, shall have jurisdiction of the offense of this section. Provided further, That no action under this section shall lie against any person residing outside of the described district established.

SEC. 8. Be it further enacted, That justices of the peace, notaries public and constables shall be entitled to the same fees under this act, to be taxed as costs in each case, as are allowed by law in other civil and criminal cases, and the freeholders or householders mentioned in Section 4 of this act, shall be entitled to seventy-five cents for each case, to be taxed as costs.

Fees.

SEC. 9. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved Feb. 1st, 1893.

No. 108.] AN ACT. [H. B. 413.

To amend Section 4 of an act entitled an act to authorize the increase of the capital stock and bonded indebtedness of private corporations, organized under special charter. Approved December 10, 1890.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Section 4 of an act, entitled an act to authorize the increase of the capital stock and bonded indebtedness of private corporations, organized under special charter, approved December 10th, 1890, be amended so as to read as follows:

SEC. 4. Be it further enacted, That if at such meeting, called in pursuance of this act, the consent of the persons holding the larger amount in value of the stock of such corporation shall be obtained to a specified increase of either the capital stock or bonded indebtedness of such corporation, a report thereof, specifying the amount of increase consented to, shall be made to the secretary of state, who shall make and keep a record thereof, and it shall be lawful for such corporation to increase its capital stock or bonded indebtedness in conformity with such consent of the stockholders, obtained as aforesaid ; Fro.

Increase authorized.

vided, that such increase may be less, but shall not be more, than that stated in the published notice for such meeting; and Provided further, that neither stock nor bonds shall be issued by any private corporation except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. But no increase of the capital stock or bonded indebtedness of any corporation shall be made under the provisions of this act to a sum exceeding ten million dollars, unless an increase beyond that sum is authorized by the charter of the corporation, and in such case not exceeding the amount authorized by such charter. Limitation.

Approved Jan. 28, 1893.

No. 109. AN ACT H. B. 382

To confirm the charter of the Dallas Manufacturing Company and confer upon it additional powers.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation of the Dallas Manufacturing Company by proceeding in the court of probate of Madison county, Alabama, under the general law, providing for the incorporation of mining and manufacturing companies, be and the same is hereby continued, and said company is hereby declared to be a corporation with all the powers, rights, privileges and immunities, conferred upon corporations, created and existing under said general law from and since the date of the issuance of the certificate of incorporation to said company by said court of probate. Charter confirmed.

SEC. 2. Be it further enacted, That said company shall have the right to increase its capital stock to five million dollars, or to any amount less than that and in excess of the present authorized capital stock, which is five hundred thousand dollars, such increase to be made in accordance with the general law of this State relating to the increase of the capital stock of mining and manufacturing companies, except in reference to the one hundred and fifty thousand dollars of preferred stock hereinafter authorized to be issued. Increase of Capital.

SEC. 3. Be it further enacted, That the stockholders

of said company at any annual meeting by vote of two
Directors. thirds of the stock represented at such meeting may increase the number of directors to not exceeding thirteen members.

SEC. 4. Be it further enacted, That said Dallas Manu-
Rights. facturing Company shall have all the rights and benefits conferred upon warehousemen under Title twelve, Article four, Chapter three, of the Code of 1886, under section eleven hundred and seventy-four and subsequent sections of said Code which reads as follows, to-wit:

1174 (2139.)— Warehousemen or common carriers give receipt for bill of lading; contents.—Warehousemen or
Receipts for common carriers receiving things or property of any kind
bills of landing. for safe keeping or for carriage or for hire or reward must on the delivery to them of such things or property give the person from whom received a receipt or bill of lading, stating the order or condition in which such things or property may be and if cotton in bales is received stating expressly the condition of the bagging, ropes, or ties, and of the cotton, whether dry, damp, wet, or very wet, and such warehouseman or common carrier is bound to deliver in like order and condition as when received, and if such receipt or bill of lading be not given such things or property must be deemed and taken to have been in good order or condition at the time of delivery to such warehousemen or carrier and he is bound to delivery in like good order and condition, and the warehouseman or carrier neglecting or failing to give such receipt or bill of lading is liable for all loss or damages the owner of such things or property may sustain in consequence of such neglect or failure, but nothing in this section contained must be construed as affecting the common law liability of a warehouseman or of a common carrier for an injury to, or for the loss of such things or property,

1175.—Receipts or bill of lading: when not to be given. A warehouseman, common carrier, or a wharfinger, or other peson engaged in the business of storage, carriage,
When receipts or keeping for shipment, or of forwarding things or prop-
not given. erty, must not give a receipt or bill of lading for the things or property for storage, for carriage, or for keeping for shipment, or for forwarding, unless such things or property have been actually delivered to him or placed under his control and a second receipt or bill of lading must not be issued or given, the original being outstand-

ing, without writing across the face thereof the word "duplicate."

1176.—Delivery to cotton compress.—A delivery of cotton at or to a compress for the purpose of being compressed, at the instance or in the usual course of business of a warehouseman, common carrier, wharfinger or other person engaged in the business of storage or of carriage or of keeping for shipment, or for forwarding, may be taken and deemed as an actual delivery to such warehousemen, carrier, wharfinger, or other person, and therefor a receipt or bill of lading may be issued or given. Delivery of cotton.

1177.—Sale, etc., by warehouseman, carrier or wharfinger.—A warehouseman, common carrier, wharfinger or other person engaged in the business of storage, carriage or keeping for shipment, or for forwarding things or property, must not, otherwise than is authorized by law, or by the contact of delivery to them, make sale of things or property intrusted to them, nor, without the assent in writing of the person to whom they may have given a receipt or bill of lading, or of the legal holder of such receipt or bill of lading encumber or transfer the same, nor, must they, otherwise than as may be authorized by the contruct of delivery to them, part with the control or possession of such thing, or property without the assent in writing of the person to whom they may have given a receipt or bill of lading, or of the legal holder of such receipt or bill of lading,

1178.— Warehousemen receipt negotiable.—The receipt of a warehouseman, on which the words "not negotiable," are not plainly written or stamped, may be transferred by the endorsement thereof, and any person to whom the same is transferred, must be deemed and taken to be the owner of the things or property therein specified, so far as to give validity to any pledge, lien or transfer made or created by such person; but this section must not be so construed as to effect or impair the lien of a landlord on such things or property for rent or advances, or to effect or impair any lien thereon created by contract, of which notice is given by registration in the mode prescribed by law; and unless the words "not negotiable," be plainly written or stamped on the receipt. The warehouseman must not deliver the things or property therein specified except on the delivery and cancellation of the receipt; or n case of partial delivery, without an endorsement there- Nogotiable receipts.

on of such partial delivery. In the event of the loss or destruction of such receipt, the warehouseman, not having notice of the transfer thereof by endorsement, may make delivery of the things or property or any part thereof, be claimed or taken from the custody or possession of the warehouseman under legal process the surrender thereof may be made without the delivery or cancellation of such receipt or without endorsement thereon.

1179.—False or second receipts or delivery without cancellation or endorsement of partial delivery.—If any common carrier, not having received things or property for carriage, shall give or issue a bill of lading, or receipt, as if such things or property had been received, or any warehouseman or wharfinger or person engaged in the business of storage or keeping for shipment or forwarding shall issue a receipt for things or property not having received them, or if any of such parties shall give or issue a second bill of lading or receipt the original being outstanding not expressing in such second bill of lading or receipt that it is a duplicate or shall surrender such thing or property without receiving and cancelling the bill of lading or receipt issued therefor or making partial delivery without endorsing such partial delivery on such bill of lading or receipt except as provided in section 1178, such carrier or warehouseman, wharfinger or person is liable to any person injured thereby for all damages immediate or consequential therefrom resulting.

False receipts.

1180.—How common carrier absolved from liability as insurer on arrival of freight.—A common carrier, if the place of destination of freight is a city or town having two thousand inhabitants or more, and a daily mail, is not relieved from liability as a common carrier by reason of a deposit or storage of freight in a depot or warehouse, unless within twenty-four hours after the arrival of such freight notice thereof is given to consignee personally or through the mail, and if notice is given through the mail the postage must, by the consignee, be refunded to the carrier.

Notice.

1181 (2140) (2141).— Sale of perishable freight to pay charges.—When any fruit, vegetables, fresh meat, oysters, eggs or fish, or other property of so perishable a nature as to be in danger of great depreciation has been transported by a common carrier to the place of destination, and remains unclaimed for one day after its arrival, or if the

Sale of perishable freight.

consignee resides or is present at the place of destination for one day after personal notice in writing to him or his agent of the arrival of the freight and the amount of charges due thereon the same may be sold by the carrier or his agent at public outcry to the highest bidder for cash, at some public place at the point of destination, on one day's notice indicating the nature of the package, the consignee and the time and place of sale, by publication in some newspaper published at the place of destination or if none is published thereat then by posting the notice at the office or place of business of the carrier.

1182. (2141).—Sale of other freight to pay charges. When any other freight than that mentioned in the preceding section remains unclaimed for sixty days after its arrival at the place of destination, the same may be sold by the carrier or his agent at public outcry to the highest bidder for cash, at some public place at the point of destination, after notice, indicating the nature of the package, the consignee, and the time and place of sale, has been given for three weeks by publication once a week in some newspaper published at the place of destination or if no such paper is there published, by posting the notice at three public places therein, but before any sale can be made under this section, the carrier must before giving notice of the sale demand payment of the charges due thereon from the owner or consignee if either of them resides at the place of destination, but if neither of them resides at such place failure to make such demand shall not prevent the sale, but notice of such sale must be given the consignor by mail. Sale for charges.

1183. (2142.)—Insurance sale proceeds.—The common carriers may insure the freight, at the expense of the owner, from the date of its arrival to the date above authorized; and the proceeds of any sale made under the last two sections shall be applied to the payment of the freight, insurance, and all charges incident to storage and sale, and the residue, if any, shall be paid over to the owner or consignee. Insurance.

1184. (2143).—Three preceding sections applicable to warehousemen.—The provisions of the three preceding sections apply to warehousemen when freight is delivered by a common carrier.

1185.—Concealing cotton or changing marks.—Any person, who conceals cotton delivered to himself or another for

sale or storage, or changes or mutilates the brands thereof for the purpose of hindering the owner or person having a lien thereon from recovering it, and any warehouseman who permits such conduct, shall be liable to the owner or lienor for all damages, immediate or remote, by him sustained; and any warehouseman with whom such cotton has been stored, who has information which would lead to the discovery thereof, and refuses on application to impart the same to the owner or lienor, is liable to him for the value of the property.

Penalties.

Approved February 2,1893.

No. 110.] AN ACT [s. 153.

To amend an act entitled and act for the relief of needy confederate soldiers and sailors residents of Alabama, who from wounds or other cause are now unable to make a livelihood, and for the widows of such as were killed or died in the war and have not since remarried, Approved February 13th 1891.

Section 1. Be it enacted by the General Assembly of Alabama, That an act approved February 13th, 1891, entitled an act for the relief of needy confederate soldiers and sailors residents of Alabama, who from wounds or other cause are now unable to earn a livelihood, and for the widows of such as were killed or died in said war, and have not since remarried; be and the same is amended by adding thereto section ten as follows:

SEC. 10. Be it further enacted, That any probate judge making the certificate to the Auditor required in this act when he has reason to suspect or believe that the applicant is not entitled under the provisions of this act to the benefits thereof, or if lie negligently or carelessly makes such certificate when the applicant is not entitled to the benefits of this act, he shall forfeit to the State of Alabama the sum of fifty dollars, which may be recovered by any citizen of the county in which the certificate was made, one half to be paid into the State Treasury the other to go to party making the complaint, Provided however, no recovery shall be had on account of the applicant being worth more than provided for in this act,

Penalty for false certificates.

unless the last assessment for taxes shows the applicant to have property of greater value than provided for in this act, nor for any other cause, if the applicant before the certificate is made files with such judge of probate a certificate of his inability from any of the causes mentioned in this act to make a livelihood by labor, from the President of the county medical board, in counties where there is a medical board, and in counties where there is no board from some reputable practicing physician but in the latter case the certificate must be made under oath. Exceptions.

Approved January 30th, 1893.

No. 111.] AN ACT [H. 399.

To authorize the Mayor and Council of the town of Union Springs to issue bonds of said town for an amount not exceeding thirty thousand dollars, for the purpose of erecting and maintaining a system of water works and a system of electric lights one or both in said town.

Section 1. Be it enacted by the General Assembly of Alabama, That the Mayor and Council of the town of Union Springs, be and they are hereby authorized to issue bonds of said town of Union Springs to an amount not exceeding thirty thousand dollars, or so much thereof as said mayor and council may deem necessary for the purposes hereinafter named, in denominations of not less than one hundred dollars each, and payable thirty years from the date of their issuance, with coupons attached, bearing interest at a rate not exceeding six per cent. per annum, and payable annually to bearer; said bonds and coupons shall be payable to bearer, at such place as said mayor and council shall designate. Amount.

SEC. 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act, shall be signed by the mayor and counter-signed by the Treasurer of said town and the Treasurer of said town shall keep a correct record and account of all bonds issued and disposed of under this act. How signed.

SEC. 3. Be it further enacted, That said mayor and

council of the town of Union Springs are hereby author-
Powers of council. ized to do any and all things that may be necessary to carry out the powers hereby granted, without first submitting any questions in connection herewith to a vote of the citizens of said town, and no technical informality, irregularity, neglect or omission in the proceedings or record of said mayor and council shall in any wise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper and at and after maturity thereof, shall be receivable for all dues to the said town in the way of taxes and otherwise.

SEC. 4. Be it further enacted, That the said mayor and council, are hereby authorized to negotiate and sell such bonds as are issued by them, by virtue of this act,
Sale of bonds. but said bonds shall not be sold for less than par. The proceeds of said bonds shall be paid over to and kept by the treasurer of said town, to be used and applied to the purposes of erecting and maintaining a system of water works and a system of electric lights in said town of Union Springs, one or both as said mayor and council may deem advisable; said payments and applications of said proceeds to be under the direction and by authority of the mayor and council of said town of Union Springs,
Application of and the treasurer of said town shall be responsible for the safe keeping of all proceeds arising from the sale of said bonds, which may come into his hands as such treasurer, and it shall be the duty of said mayor and council to apply the proceeds of the sale of said bonds to the improvements herein provided for.

SEC. 5. Be it further enacted, That before entering upon the duties prescribed by this act the treasurer of said town shall execute a bond in such an amount as may be fixed by the mayor and council of said town with suf-
Bond of Treasurer. ficient sureties, payable to, and to he approved, by the said mayor and council conditioned for the faithful performance of the duties imposed upon him by this act; and unless said bond be given by said treasurer the mayor and council of said town shall select some other citizen of said town to act as treasurer, under this and to perform the duties provided by this act, and be subject to the same conditions provided for the said treasurer.

SEC. 6. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved February 2nd, 1893.

No. 112.] AN ACT [H.B.590.

To allow and regulate appeals from decrees rendered by courts of equity, and probate courts, on partial or annual settlements of estates.

SEC. 1. Be it enacted by the General Assembly of Alabama, That from any decree rendered in a court of equity, or probate court, on a partial or annual settlement of an estate of a deceased person, an appeal lies to the supreme court, to be taken within twelve months after the rendition of such decree; but nothing in this section shall be so construed as to prevent an assignment of error on such decrees upon appeals taken after a final determination of the cause.

Approved February 2nd, 1893.

No. 113.] AN ACT [H. B. 269.

To incorporate the Tennessee River Bridge and Ferry Company.

Section 1. Be it enacted by the General Assembly of Alabama, That Polk Lafforn, Phillip Campbell, Robert C. Randolph and Thomas R. Roulhac, their associates and successors, be, and they hereby are declared and constituted a body corporate, by the name and style of the Tennessee River Bridge and Ferry Company, and by that name and style may sue and be sued, plead and be impleaded in any court in this State, may have a common seal, which it may change at will, and generally have and exercise all such rights and powers as are incident to business corporations in this State, and do and perform all acts, matters and things which said corporation may lawfully do and exercise in the premises in the prosecution and furtherance of the purposes thereof. Corporators.

SEC. 2. Be it further enacted, That the Tennessee River Bridge and Ferry Company, a body corporate, shall have the power, and are authorized to construct, erect, maintain and keep up a wagon or other vehicle, foot, passenger and railroad bridge, or a bridge for any one or more of those purposes, spanning the Tennessee Powers.

River at or near Sheffield, in the county of Colbert and State of Alabama in such manner as not to obstruct or interfere with the navigation of said river at any stage of the water therein, and to take, receive and collect
Tolls. reasonable tolls for the use thereof by passengers, for vehicles and animals, and for traffic by railroads, or by individuals, and for whatever may pass over and on the same, and may erect, employ and use steam or other ferries at or near such point, and collect and receive reasonable tolls for the use thereof by passengers, vehicles, animals and traffic, or whatever may be conveyed on the same, provided that the navigation of said river is not interrupted or interfered with at any stage of the water therein by the use of such ferries ; and said the Tennessee River Bridge and Ferry Company shall have power to purchase, hold, sell, convey, receive by donation or
Buy and s subscription to its capital stock, or otherwise acquire or
property. dispose of, real or personal or any other kinds of property, to issue stocks or bonds, and to pledge or mortgage their property, tolls or franchises, for the security and payment of the same, to borrow money and in like manner to secure the same, to contract for and secure the construction of such bridge in such manner as the directors of said company may see proper, and to lease or contract for the use of such bridge to or by any person or corporation, for such length of time and upon such terms as the directors of said company may deem for the interest of said company, and that said the Tennessee River Bridge and Ferry Company, by its board of directors, shall have the right and power to purchase, contract for or condemn for its use for roads and approaches
Rights and to and from said bridge, any lands, wharves or other
powers. property necessary and proper for the access to and u of such bridge or ferries, and to connect the same wi other public roads and streets, and may acquire, purchase or condemn any land, dirt, stone, gravel or other material, first paying full and just compensation, as now provided by law, for any property condemned necessary and proper for the construction or maintenance of such bridge, or any piers, abutments, rests, or other part of said bridge, or for roads or approaches to the said bridge or said ferries.

SEC. 3. Be it further enacted, That such bridge so erected by said company over said river shall be of iron

or wood and iron combined, and placed upon stone or other substantial piers and foundations, with a draw or draws, as may be necessary for the free and unobstructed navigation of said river, and that the principal place of business of said company shall be in the city of Sheffield, Alabama. Style of bridge

SEC. 4. Be it further enacted, That the capital stock of said corporation shall be three hundred thousand ($300,000) dollars, to be divided into shares of the par value of one hundred dollars each; and said company may increase its capital stock to the sum of five hundred thousand ($500,000) dollars, or any sum less than that, upon and by a vote of two-thirds in number and value of its stock shares at an annual meeting of its stockholders, or at a called meeting thereof, held for that purpose, after twenty days' notice, sent to the postoffice address of said stockholders, of the time, place and object of such called meeting, and that at all meetings of the stockholders of said company the stock thereof may be represented by proxy, in such manner as the by-laws of said company may prescribe. Increase of capital.

Approved February 2nd, 1893.

No. 114.] AN ACT [s. 198.

To authorize the Secretary of State to sell the volumes of the Reports of the Decisions of the Supreme Court of Alabama now in his possession.

Section 1. Be it enacted by the General Assembly of Alabama, That the Secretary of State be, and he is hereby authorized and required to sell the volumes of the Reports of the Decisions of the Supreme Court of Alabama, now in his possession, at the price of two dollars and fifty cents per volume; provided. That he shall not sell more than one copy of each volume to any person, corporation or mercantile firm ; and provided further. That he shall retain ten copies of each volume for the use of the State. Sales.

SEC. 2. Be it further enacted, That the money arising from such sales shall be paid into the treasury of the State, and constitute a part of its general fund ; provided,

That this act shall in no manner apply to the sale of Smith's Condensed Reports.

SEC. 3. Be it further enacted, That all laws or parts of laws in conflict with this act be, and they are hereby repealed.

Approved February 2nd, 1893.

No. 115.] AN ACT [s. 176

To incorporate the Afro-Alabama Cotton Mill Company.

Section 1. Be it enacted by the General Assembly of Alabama, That William J. Stevens, Wiley A. Hudson, Steven E. Moses, Handy Crook, Washington D. de Arman, William H. Council and Iverom Dawson, and such other persons as may hereafter be associated with them, their successors and assigns, are hereby created a body politic and corporate under the name and style of the Afro-Alabama Cotton Mill Company, and by that name may sue and be sued in all the courts, and shall have the right to adopt and use a common seal, and change the same at pleasure. It shall keep the main office in the city of Anniston, Alabama, but may establish branch offices or agencies elsewhere as may be conducive to its interest.

Corporators.

SEC. 2. Be it further enacted, That the capital stock of said corporation shall be one hundred thousand dollars ($100,00), divided into shares of the par value of twenty-five dollars ($25) each, with the privilege of increasing the same at any time to five hundred thousand dollars ($500,000), whenever the stockholders, or a majority of them, so decide, after notice for thirty days previous, in some newspaper published in Anniston, Alabama. The incorporators, or a majority of them, are hereby authorized to open books of subscription to said stock, and to organize and commence business whenever the sum of ten thousand dollars ($10,000) has been subscribed and the sum of two thousand dollars ($2,000) has been paid on such stock subscribed; that said stock shall be paid in such time and in such manner as the board of directors or a majority thereof may determine, and may be paid in money, or property, or labor, at its cash money value.

Capital.

SEC. 3. Be it further enacted, That at the first meeting of the stockholders, called by a majority of the incorporators, the board of directors, not less than three nor more than eleven, as may be agreed upon by the said stockholders, shall be elected by said stockholders, to hold office for the period of one year and until their successors be elected and qualified. A majority of said directors shall constitute a quorum for the transaction of business, and said board of directors shall have power generally to manage the business of the corporation, electing and appointing all such officers as they may deem necessary, removing them at pleasure, fixing their compensation ; to fill vacancies occurring in their board, and to do all further and other things as may be delegated by the by-laws of such corporations, or under the laws of the State of Alabama. Board of directors.

SEC. 4. Be it further enacted, That said corporation shall have power to erect and enlarge such buildings as it may deem necessary to carry on the business of said corporation, and to furnish said buildings with all the machinery necessary to manufacture cotton or woolen fabrics of whatever kind, quality or quantity, and to erect or construct dams, water flues, boilers and steam engines, and to manufacture with either steam or water power, or with both combined, cotton and wool with thread, yarn, rope, cloth, bagging, or any other fabric, and to sell and dispose of the same in any manner said corporation may deem proper, and to do all acts and things necessary and proper in the management and operation of a cotton and woolen factory. Powers.

SEC. 5. Be it further enacted, That said corporation is hereby empowered to purchase and sell dry goods, groceries, provisions and family supplies of all kinds, and to carry on a general mercantile business, and to do all acts incident to the same. Mercantile business.

SEC. 6. Be it further enacted, That said corporation shall have the right and the power to buy, sell, rent or lease both real or personal property, and to deal generally in such real and personal property in any manner it may choose, so far as the same may be necessary for the business and purposes of this corporation ; and that said corporation shall have the right to make and manufacture gas, electricity, steam or other lighting or motive powers, and may supply the same to any person, firm or corpora- Buy and Sell Property.

tion for a compensation ; that said corporation shall have
Water works. the further right to buy, build, equip or maintain a system or systems of water works or water supplies, and may supply water to any person, firm or corporation for a compensation.

SEC. 7. Be it further enacted, That no stockholder
Liabilities in said corporation shall be held personally liable for any debt of said corporation beyond or otherwise than for the unpaid stock held by him or her.

Approved February 3, 1893.

No. 116.] AN ACT [H. B. 580.

To amend Sections 122 and 123 of the Code.

Section 1. Be it enacted by the General Assembly of Alabama, That Sections 122 and 123, Article IV, of the Code be ameuded so as to read as follows : 122. Not less than one nor more than two months before the first days of January and July of each year, the treasurer must certify to the governor the amount of money which will probably be needed to pay the interest on the bonded indebtedness of the state falling due next thereafter, and payable in the City of New York and at the treasury of the state, and the governor shall thereupon, in writing, direct the auditor to draw his warrant on the treasury in favor of the treasurer for such amount, or so much thereof as the treasurer may deem necessary, to be paid out of any fund appropriated for the payment of interest on such indebtedness; and upon the receipt of such warrant, the treasurer shall enter the amount thereof on the appropriate book of his office to the credit of the " interest account," and shall thereafter, from time to time, debit such account with amount paid on such interest at the treasury, and at the fiscal agency provided for in the preceding section, and for the expenses necessarily incurred in providing for the payment of such interest. 123. How money sent to fiscal agency.—The money to pay the interest on such bonded indebtedness which is to be paid in the City of New York, shall be, by the treasurer, remitted by express or otherwise, as he may deem best, to the fiscal agency in such city, without taking

out special insurance, except in cases where the governor, in writing, directs such insurance to be taken out.

Approved February 4, 1893.

No. 117.] AN ACT [H. B. 311

To authorize Colbert county to build Macadamized or turnpike roads, and to issue bonds of the county to aid in the construction thereof.

Section 1. Be it enacted by the General Assembly of Alabama, That Colbert county, by and through its court of county commissioners, is hereby authorized to build and construct within the limits of said county, such Macadamized or turnpike roads as in the judgment of said court of county commissioners may be for the best interest of said county, and as speedily as practicable. Power to build roads.

SEC. 2. Be it further enacted, That said Macadamized or turnpike roads shall be constructed upon the beds and along the route of the public roads of said county, as the same are now laid out, but the route and location of said public roads in the establishment of the line of said Macadamized or turnpike roads to be changed and altered so as to secure the most feasible and cheapest route of travel for the best interest and convenience of the people of said county, and suitable ground and road bed upon which to build said roads. In making such change or alteration in the lines of said road, said court of county commissioners is authorized to make such reasonable compensation to the owner of the land, on which said new road is established, as may be just and proper; and when said court of county commissioners is unable to agree with the owner of the land as to what compensation shall be made, the same proceedings shall be had for the ascertainment of the compensation as is now provided by law, when the line of a public road is altered or changed. Routes.

SEC. 3. Be it further enacted, That the fixing of the width of said roads, and the depth and character of stone, concrete or other material used in their construction shall vest in the discretion of said court of county commis-

sioners, having reference to the convenience and necessities of travel thereon ; provided, That said road shall be laid out not less than eighteen feet wide, and not less than twelve feet of which shall be bedded with stone, concrete or gravel, well compacted and of sufficient depth to secure a solid foundation; that said road shall be faced with gravel, concrete or broken stone, in such manner as to secure a firm and even surface, rising to the middle by a gradual arch, to be protected on the sides by ditches, so constructed as to permit, wherever practicable, vehicles to pass on and turn off of the said roads; and said court of county commissioners shall have the right to take and use in the constructing, building and maintaining said road such quantities of stone, concrete and gravel and other material adjacent, near to and contiguous thereto as may be necessary therefor, paying such reasonable compensation for such material as may be right and proper, and when said court of county commissioners and the owner of such material are unable to agree upon the compensation therefor, the same to be fixed in the same manner as is now provided by law for the valuation of lands condemned to public use in the opening of new, and changing or altering of the old roads, and the use of material for public roads ; and said court of county commissioners shall have the right to construct, and build said roads by letting out the same by contract, or by a system of day labor, or partly by both, as may seem most to the interest of said county; but it is expressly prohibited to said court of county commissioners to make any contract for the building of said roads with any member of said court, or any relative of any member of said court, or partner in business with such member thereof, and said court is hereby authorized to establish toll gates on said roads, if they deem it best for the interest of said county, not less than five miles apart, and to fix such reasonable rates of toll, to be collected thereat, of all persons who do not reside in Colbert county, traveling said roads, as may be just and proper, and to appoint keepers of said gates to collect said tolls, whose duty it shall be to pay over the same to the said court of county commissioners at such time as said court may direct.

Style of road.

Letting out contracts.

Tolls.

SEC. 4. Be it further enacted, That the court of county commissioners of Colbert county are hereby author-

ized, empowered and directed to issue bonds of said county to the amount of one hundred thousand ($100,000) dollars, the proceeds of the sale of which shall be applied exclusively to the construction and building of said Macadamized and turnpike roads; that said bonds shall be only issued and sold from time to time in sums of not less than ten thousand ($10,000) dollars, as the demands for payment of the construction and building of said roads may require ; and the said court of county commissioners of said county shall be intrusted with the duty of having designated and prepared the said bonds, and the sale of the same, but nothing in this act shall be construed to prevent said court of county commissioners from contracting at any one time for the sale of the whole issue of the said bonds, to be issued, sold and delivered when it may be necessary to sell the same for the construction of said road; that said bonds shall be one hundred (100) in number for one thousand ($1,000) dollars each; said bonds shall be numbered from one to one hundred consecutively; those numbered from one to fifty consecutively, to be made payable at the expiration of thirty years from their date. Those numbered from fifty-one to one hundred, consecutively, to be made payable at the expiration of forty years from their date; the interest to be not more than six (6) per cent. per annum, to be paid semi-annually, and evidenced by coupons attached to said bonds, and said bonds to be made negotiable and payable, both principle and coupons at some designated bank or banking house in the cities of Tuscumbia or Sheffield, Alabama, or in the city of New York, in the State of New York; that said bonds shall be sold and negotiated for the highest price said court of county commissioners can obtain therefor, not less than their face value; said bonds to be signed by the judge of probate of said county of Colbert, and countersigned by the treasurer of said county, with the seal of said probate court of said county attached; the coupons to be attached to each bond to bear the number of the bonds to which they are attached, signed by the treasurer of said county, and to be made payable at the place designated for the payment of the principal thereof. The proceeds of said bonds, as the same are sold, shall be paid to the treasurer of said county, to be kept by him as a separate fund, called the "road fund," to be paid out as hereinafter provided. Said

Bonds.

Sale of bonds.

Duty of Treasurer.

county treasurer shall manage and make such reports of said fund as required by him by law of the general funds of the county, but his accounts and reports of the "road funds" shall be kept separate from the general funds of the county.

SEC. 5. Be it further enacted, That it is hereby made the duty of the court of county commissioners of said county of Colbert to levy and collect such tax annually as is now or may be hereafter authorized by the constitution of the State of Alabama, or so much thereof as may be necessary upon the property in said county, as may be necessary to pay the interest and principal of said bonds provided by this act as the same falls due ; and all taxes collected on such road levy be received and kept by the treasurer of said county as a separate fund, as above provided, and paid out in payment of the principal and interest of said bonds provided for by this act, as the same falls due, for which the coupons and bonds so paid shall constitute the proper voucher of said treasurer, and whenever there is a surplus of such taxes in the hands of said treasurer, not required for the payment of the interest and principal of said bonds, the same may be applied on the order of said court in the repairs of said roads, or the purchase and cancellation of any of said bonds, whether the same have then matured or not.

Taxes.

SEC. 6. Be it further enacted, That the bonds issued under the provisions of this act shall be exempt from taxation by the county of Colbert and the cities of Sheffield and Tuscumbia, or any other municipal corporation now or hereafter organized in the said county of Colbert.

Bonds exempt from taxation.

SEC. 7. Be it further enacted, That before any of the money arising from the proceeds of the sale of said bonds, is paid over to the treasurer of said county, he shall give such additional bond as the commissioner's court of said county may deem proper to require to protect with safety the money arising from the sale of said bonds, provided for by this act, and in no event shall said additional bonds be less than ten thousand (10,000) dollars.

Bond of Treasurer.

SEC. 8. Be it further enacted, That it shall be the duty of said court of county commissioners to make semi-annual publications on the last day of January and July of each year, showing the amount received from the sale

Publications.

of said bonds and said road tax, and specifying particularly to whom and for what it was paid out.

Pay of commissioners.

SEC. 9. Be it further enacted, That the members of the court of county commissioners of said county of Colbert shall not be paid more than two and 50-100 ($2.50) dollars per day and no mileage, while they may be engaged in carrying out the provisions of this act, to be paid out of said "road fund."

Employ engineer.

SEC. 10. Be it further enacted, That said court of county commissioners are authorized, whenever they see proper, to employ a good and competent civil engineer to assist in the proper construction of said roads, and may also employ such other persons as they may see proper.

Elections.

SEC. 11. Be it further enacted, That there shall be an election held in said county of Colbert on the third Tuesday in April, 1893, it being the 18th day of said month, of the qualified voters of said county; said election shall be field at the voting places in the several precincts of said county, and all persons who are qualified voters under the general election laws of this state shall be entitled to vote at such election. Such election shall be ordered called and governed by the general election laws of this state in force at the time of said election, except that the compensation of the inspectors, clerks and returning officers, if they see proper to charge for their services, shall not exceed one half the amount paid in general elections; Provided, the returning officer shall be entitled to three cents per mile in going to and returning from the county seat of said county.

Manner of conducting elections.

SEC. 12. Be it further enacted, That at such election those who desire to vote for the issuance of the bonds and the construction of the roads, in pursuance of the provisions of this act, shall deposit their ballots with the words "for macadamized roads;" printed or written thereon, and those who desire to vote against the issuance of the bonds and the construction of the roads provided for by this act, shall deposit their ballots with the words "against macadamized roads," printed or written thereon. When the ballots so cast are returned and counted by the board of supervisors as now required by law. for general elections, the result of such election shall be by the court of county commissioners spread upon the records of said court, and also upon the records of the court of probate of said county, as part of the records thereof.

SEC. 13. Be it further enacted, That if the result of said election shall be in favor of macadamized roads, such result be determined by the majority of the votes cast at such election, then said court of county commissioners shall proceed at once to carry out and execute the provisions of this act, by the issuing and negotiating of said bonds, and by the construction of said roads as provided by this act.

Result of elections.

Approved Feb. 4, 1893.

No. 118.] AN ACT [s.105.

To amend section 4140 of the Code of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That section 4140 of the Code of Alabama be amended so as to read as follows: 4140 (4435). Any banker who discounts any note, bill of exchange or draft at a higher rate of interest than eight per cent. per annum, not including the difference of exchange, cannot enforce the collection of same except as to the principal, and if any interest has been paid the same must be deducted from the principal and judgment rendered for the balance only.

Approved Feb. 4, 1893.

No. 119.] AN ACT [H. B. 661.

For the relief of indigent minor children.

SEC. 1. Be it enacted by the General Assembly of Alabama, That all indigent minor children of another state, in the custody of a resident or residents of this state, without the consent of the father or mother of such child or children, shall be delivered on demand forthwith, to the father or mother of such child or children, or to any attorney in fact authorized to make the demand, by said father or mother of said child or children.

SEC. 2. Be it further enacted, That the said party parties in such custody of such child or children fail-

Penalty.

ing to deliver such child or children on demand, as provided for in section 1 of this act, shall be guilty of a misdemeanor, and, on conviction shall be fined not less than five hundred dollars.

SEC. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and are hereby repealed.

Approved Feb. 4, 1893.

No. 120.] AN ACT [H. B. 270

For the protection and preservation of game animals, birds and fish, and to prevent camp hunting in Franklin county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful at any place in Franklin county to catch, kill or injure, or pursue with such intent, any wild buck, doe or fawn, between the first day of March and the first day of November. Deer.

SEC. 2. Be it further enacted, That it shall be unlawful at any place in said county to catch, kill or injure, or pursue with such intent any wild turkey between the first day of May and the first day of October. Turkeys.

SEC. 3. Be it further enacted, That it shall be unlawful at any place in said county to catch, kill or injure, or pursue with such intent any partridge between the first day of April and the first day of October. Partridges.

SEC. 4. Be it further enacted, That it shall be unlawful at any time or place for any person or persons, to seine in any waters of said county, except to take minnows for bait to fish with hook and line. Seining.

SEC. 5. Be it further enacted, That it shall be unlawful for any person or persons to hunt deer or turkey in said county by camping any where within the limits of said county ; Provided, that this section 5 shall not apply to the citizens of said county; and any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars at the discretion of the court trying the same, one-third of the fine to be paid to the informer, the Camp- hunting

balance to be paid to the common school fund of said county.

SEC. 6. Be it further enacted, That it shall be the duty of all sheriffs, constables and police officers in said county to arrest all persons violating, or in the act of violating any of the provisions of this act, and take him or them before a justice of the peace, or other officer having jurisdiction for the purpose of punishment.

Duty of officers.

Approved February 4, 1893.

No. 121.] AN ACT [H. B. 239

To authorize the court of county commissioners of Franklin county to issue bonds of said county for an amount not exceeding twenty thousand dollars, for the purpose of paying for the building of the court-house in said county, heretofore erected.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of the county of Franklin be, and they are hereby authorized to issue the bonds of said county of Franklin to an amount not exceeding twenty thousand dollars which bonds shall be exempt from municipal and county taxation, or so much thereof as said court may deem necessary for the purpose hereinafter named, in sums of one hundred dollars and payable at such time and place as said court may designate, not exceeding twenty years from the date thereof, and redeemable at the pleasure of said county, at any time within the said period of twenty years, with coupons attached, bearing interest at a rate not exceeding six per cent. per annum and payable semi-annually to bearer.

Amount.

SEC . 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act, shall be signed by the probate judge and countersigned by the county treasurer of said county, and the seal of the probate court shall be affixed thereto, and the said county treasurer must keep a correct record and account of all the bonds issued and disposed of under this act.

Bonds signed.

SEC. 3. Be it further enacted, That the said commissioners court of said Franklin county are hereby authorized

Powers of court.

ized to do any and all things authorized by this act, which may be necessary to carry out the powers hereby granted, either through themselves, or by any agent or agents duly appointed by them for that purpose, at any term of said court, whether at a regular or special term thereof, and no technical informality, irregularity, neglect, or omission in the proceedings or records of said court shall in anywise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

SEC. 4. Be it further enacted, That the commissioners court of said county are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than par, 100 cents on the dollar, and the proceeds of said bonds shall be paid over to, and kept by, the treasurer of said county, and to be used and applied to pay for the building material and erection of a court house in and for said county at the county seat thereof, such use, payment and application of said proceeds to be under the direction and by authority of said court of county commissioners, and the said county treasurer to be responsible for the safe keeping of all the proceeds arising from the sale of said bonds which may come into his hands in his official capacity, the same as for other county funds or money in his hands as such treasurer; and there shall be a commission of two per cent paid said county treasurer for disbursing the funds arising from the sale of the bonds named in this act. Sale of bonds.

SEC. 5. Be it further enacted, That it shall be unlawful for the said court of county commissioners, or any member thereof, or any of the officials of said county of Franklin to apply the proceeds of the sales of any of said bonds issued by authority of this act to other purpose than that hereinbefore specified. Penalty for misusing proceeds.

SEC. 6. Be it further enacted, That in order to pay the interest and principal of the bonds issued by authority of this act, the said court of county commissioners is hereby authorized and required to levy a special tax from time to time upon all property, licenses and businesses, subject to state tax under the revenue laws of this state, situated or located within the limits of said county Tax.

SEC. 7. Be it further enacted, That the bonds and

coupons thereof herein authorized to be issued, shall as they respectfully mature and become payable, be received for all county taxes in said county of Franklin.

Approved February 4, 1893.

No. 122] AN ACT [H. B. 278.

To authorize the Southern Steel Company to change its corporation name.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Southern Steel Company, a corporation organized under and by virtue of a special act of the general assembly of Alabama, entitled an act to incorporate the Southern Steel company, approved February 18th, 1891, be and the same, is hereby authorized to change its corporate name, and such change of name shall be made at a meeting of the stockholders of said company, called by the board of directors of said company, and held after thirty days notice, either by advertisement in some newspaper published in the city of Birmingham, or by personal notice by mail to each stockholder of said company, stating the time, place and purpose of such meeting, at which meeting the proposition so to change the name of said company must be adopted by the concurrent vote of stockholders holding among themselves a majority in value of the entire stock of the company.

Approved Feb. 1, 1893.

No. 123.] AN ACT [H.B. 310.

To repeal an act entitled an act to protect and regulate the time and manner of catching and taking fish from and in the waters of the State of Alabama in the counties of Talladega, Bullock, Madison, Mobile and Baldwin, approved February 23,1887, so far as the same applies to Bullock county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to protect and regu-

late the time and manner of catching and taking fish from and in the waters in the State of Alabama, in the counties of Talladega, Bullock, Madison, Mobile and Baldwin, approved February 23, 1887, be and the same is hereby repealed so far as the same applies to Bullock county. Repealed.

Approved Feb. 4, 1893.

No. 124.] AN ACT [H.B. 358.

For the protection of game birds in the county of Morgan.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful at any place in the county of Morgan, to catch, or kill, or injure or pursue with such intent, any quail, (sometimes called partridges,) between the first of March and the fifteenth day of October of any year, and it shall be unlawful at any time and at all seasons to net any quail, (sometimes called partridges.) Quails.

SEC. 2. Be it further enacted, That it shall be unlawful in said county for any person to purchase, have in possession, or expose for sale, any quail (sometimes called partridges,) during the season when the catching, killing, or injuring the same is prohibited. Unlawful to have in possession.

SEC. 3. Be it further enacted, That any person or persons violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be find not less than three nor more than twenty dollars, for every such violation, and justices of the peace and notaries public with powers of justices of the peace shall have concurrent jurisdiction with circuit, city and county courts in the trial of cases under this act. Penalty.

SEC. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved Feb. 4, 1893.

No. 125.] AN ACT [H. 308.

To incorporate the Rutherford Institute at Pelham, Shelby county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That W. C. Denson, Wm. Oates, Jas. Ben-
Corporators. ton, W. C. Powers, and E. F. Denson, and their successors in office, be declared a body politic and corporate by the name of The Board of Trustees of Rutherford Institute, and as such shall be capable of suing and being sued, plead and being impleaded, and to have and to use a common sedal or alter or amend the same at pleasure.

SEC. 2. Be it further enacted, That said board of
Powers. trustees, or their successors in office, are hereby authorized and empowered to establish and conduct a school of high grade at Pelham, Shelby county, Alabama, to be known as the Rutherford Institute; to select from themselves a president, secretary and such other officers as they may deem proper; to receive donations or bequests, or acquire by purchase or otherwise, property, real or personal, moneys etc., and the same, or any part thereof, to sell or mortgage at pleasure; Provided, that not more than ten thousand dollars worth of property shall be held at any one time, and to do all things necessary and proper to effectuate the purposes of this act.

SEC. 3. Be it further enacted, That said board of trustees, or their successors in office, are hereby author-
Diplomas. ized and empowered to grant certificates, diplomas or other evidences of scholarship to students of both sexes of the white race, completing the following courses of study: English and scientific orthograthy,
Studies. reading, geography, English composition, rhetoric, and English literature, botany, United States history, physioligy, and hygiene, natural philosophy, elementary astronomy, political economy and mental philosophy. mathematics, arithmetic, algebra, geometry, plane, analytical and spherical trigonometry, surveying and mensuration, latin grammar, reader, Caesar, Virgil, Sallist, and Cicero's orations.

SEC. 4. Be it further enacted That the terms of office
Terms of office of the trustees shall expire as follows: E. F. Denson, the first Saturday in July, 1893; W. C. Powers, the first Saturday in July, 1894; W. C. Denson, the first Satur-

day in July, 1895; Jas. Benton, the first Saturday in July 1896; and Wm. Oates, the first Saturday in July, 1897. And that on said dates there shall be a meeting of the qualified voters to elect a new member to succeed the one whose term expires; and that W. C. Denson acts as president and Wm. Oates, secretary of the board of trustees, until their successors shall be elected and qualified; and that at the elections herein provided for the said board of trustees and their successors in office shall determine who are qualified voters.

Approved Feb. 4, 1893.

No. 126.] AN ACT [H. B. 125.

To amend section one (1) of an act entitled "an act to amend an act entitled an act to incorporate the Port of Mobile, and provide for the government thereof, approved February llth 1879."

Approved December 10th, 1886.

Section 1. Be it enacted by the General Assembly of Alabama, That section one (1) of an act entitled "an act to amend an act entitled an act to incorporate the Port of Mobile and provide for the government thereof, approved February llth, 1879," approved December 10th, 1880, be amended so as to read as follows:

Amendment.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants residing within the following named boundaries, to-wit: Commencing at a point on the western margin of Mobile Bay, where the same would be intersected by the southern line of Tennessee street, if said street were extended eastwardly from Conception street in the same direction as now located, thence running westwardly along the southern side of the extension as aforesaid of Tennessee street to the point where the southern line of Tennessee street intersects with the western side of Conception street, thence westwardly along the southern side of Tennessee to the western side of Lawrence street, thence northwardly along the western side of Lawrence street to the southern side of Virginia street, thence westwardly along the southern side of

Boundaries.

Virginia street to a point where the same would intersect with the western side of Catherine street, if the same were extended southwardly from Government street in the same direction as now located, thence northwardly to the western line of said Catherine street where the same intersects the north line of Government street, thence along the west line of Catherine street, as now located, to the northeast side of St. Stephens, or the new creek road, thence by a line running northwardly in extension of said west line of said Catherine street to the right or south bank of Bayou Chetaugue, or Three Mile Creek, thence down the said right bank to the northeast side of Davis avenue, thence eastwardly along the northeast side or

Boundaries. line of Davis avenue, as located, to the west side of the street or lane known as Marmotte alley, thence along the west side of Marmotte alley northwardly to its intersection with the south side of Morgan street, thence eastwardly along the south side of Morgan street to the left or north bank of Bayou Marmotte, and thence down said bayou along the north bank thereof to the Mobile river, thence due east to the basis meridian, dividing range one, east, from range one, west, according to the surveys of the United States Land Office, thence south along said meridian to a point in Mobile Bay, due east from said point on the western margin of said bay where the same would be intersected by the southern line of Tennessee street, if said Tennessee street were extended as aforesaid, thence westwardly to the place of beginning, are hereby incorporated and made a body politic and corporate under the name and style of "the City of Mobile," which shall be managed and governed as hereinafter provided. It may sue and be sued, buy and contract, and do its acts under that name, and may have and use a corporate seal.

Approved February 4, 1893.

No. 127.] AN ACT [H. B. 103.

To declare William C. Harrell and Thomas E. Williams, liners between the counties of Lowndes and Dallas, citizens of Dallas county.

Section 1. Be it enacted by the General Assembly of Alabama, That William C. Harrell and Thomas E. Williams, who reside at or near the line between Lowndes and Dallas counties, are hereby declared to be citizens of Dallas county.

Approved February 4, 1893.

No. 128.] AN ACT [H. B. 327.

To authorize the Central Presbyterian Church of Montgomery, Alabama, to issue non-taxable bonds.

WHEREAS, The Central Presbyterian Church of Montgomery, Alabama, owns a lot in the city of Montgomery, and is desirous of erecting thereon a house of worship, but is unable to do so without borrowing money. Now, therefore, in order to promote their object—

Section 1. Be it enacted by the General Assembly of Alabama, That the Central Presbyterian Church of Montgomery, Alabama, be, and they are hereby authorized to issue bonds to an amount not exceeding fifteen thousand dollars ($15,000), bearing interest at the rate of six per cent., payable semi-annually, and secure the same by a mortgage or mortgages on the property of said church. Bonds.

SEC. 2 Be it further enacted, That said church is hereby authorized to issue said bonds as first mortgage bonds, or in series of first and second mortgage bonds, and to make the same payable in such sums and at such times as they may deem best. Style of bonds

SEC. 3. Be it further enacted, That said bonds shall be exempt from all taxation.

Approved February 4, 1893.

No. 129.] AN ACT [H. B. 277.

To ratify and confirm the incorporation and organization of the Ensley Land Company.

Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organization of the Ensley Land Company, heretofore affected by and under proceedings had in the probate court of Jefferson county, in this state, under the general laws thereof, for the object and purposes and with the rights and powers set forth in said proceedings, be, and the same are hereby in all respects ratified and confirmed, and all the acts of the said Ensley Land Company thereunder, not contrary to law, nor inconsistent with the charter of said company, are hereby confirmed.

Ratified.

Approved February 4, 1893.

No. 130.] AN ACT [H. B. 95.

To ratify and confirm the organization of the "Benedictine society of Alabama" with certain powers and privileges.

Section 1. Be it enacted by the General Assembly of Alabama, That the organization of the "Benedictine Society of Alabama" heretofore had under the general laws of this state, by and under proceedings had in the office of the judge of probate of the county of Cullman, state of Alabama, on the 24th day of February 1892, be and the same are hereby in all things ratified and confirmed, and the members of the Benedictine society of Alabama, are hereby incorporated under the name of "The Benedictine Society of Alabama," for the purposes in said proceedings set forth; that the following named persons shall constitute the board of trustees, and officers of said benedictine society of Alabama, until the next-general annual election held under the constitution and by-laws of the said society, to-wit: Board of trustees; Rev. F. Urban Tracy, of Huntsville, Alabama, Rev. Dennis Statty, of Tuscumbia, Alabama, Rev. Fridalin

Organization Confirmed.

Trustees.

Mayer, of St. Florian, Alabama, Rev. Gambelbert Brunner, of Cullman, Alabama, Rev. Mariauns Beirel, of Decatur, Alabama, and Most Rev. F. Benedict Menses, of Cullman, Alabama; Officers: Most Rev. Benedict Manges, president, Rev. F. Sevenie Laufenberg, treasurer, and Rev. Theodore Osterrieder, secretary.

SEC. 2. Be it further enacted, That said "Benedictine Society of Alabama" shall at its next annual meeting, and each and every year thereafter, at such time as fixed by the constitution and by laws of their said society elect not less than live, nor more than nine persons, as a board of trustees to manage the affairs and business of said society, who shall hold office for the term of one year, or until their successors are elected and qualified; that said trustees shall elect a president, secretary and treasurer, and have the right to appoint or elect such other officers, professors, teachers, or agents as they may deem best. Board of Trustees.

SEC. 3. Be it further enacted, That said society by the said corporate name, shall have perpetual succession, may sue and be sued, plead and be impleaded as natural persons, may use and have a corporate seal, and alter or change the same at pleasure; may own and hold property both real and personal, without regard to value, acquiring the same by purchase, donations, bequests, devises, or by lease, may receive by purchase or gift, bonds, choses in action or moneys, to hold and use the same for the benefit of said benedictine society of Alabama. Said corporation shall have power to sell, lease or mortgage real estate, or personal property, stocks, bonds or choses in action, and to loan or borrow money, under such regulations as are or may be fixed by the by laws of the said corporation; Provided, that in making titles to real estate, or mortgaging the same, the deeds or mortgages shall be signed by the president and counter signed by the secretary of said corporation; and shall have power to adopt such rules and by laws for the government of the corporation, not inconsistent with the constitution and laws of the state, as they may deem proper. Powers.

SEC. 4. Be it further enacted, That the purpose and object of said corporation, among other things, is to establish, organize and maintain, institutions of learning of high grade, at such points in Alabama as it may hereafter select and particularly near the city of Cullman, in Purposes.

Cullman county, Alabama, for the education of young men in the arts, sciences and practicable industries, and for said purpose may do and perform whatever may be legally done by like corporations in this state for the establishment, proper organization, perpetuity, and prosperity of said institutions of learning.

Rules and regulations.

SEC. 5. Be it further enacted, That the said board of trustees, may prescribe the qualifications and mode of admission of students to said institution, shall fix the rate of tuition and other charges and regulate the salaries paid the professors and teachers, and prescribe the course of study to be pursued in said institution. They shall have authority to divide the work of said institution into literary, scientific, music, art, and industrial departments, and to secure by donations, devises, bequests, subscriptions, endowments, or other means funds to be used exclusively for the maintenance of any one of the departments, or of all of them combined.

Diplomas and degrees.

SEC. 6. Be it further enacted, That the said board of trustees, in connection with the faculty of said institution, shall have the right to grant diplomas to those who have creditably completed any of the prescribed courses of study, and certificates of scholarship, or of proficiency in any of the courses of study, or departments of the institution; and the said board of trustees may confer any degree of honor or distinction upon any person they deem worthy of the same, authorized or conferred by similar institutions in the United States, and among others the following, viz: 1st, to confer a teachers certificate, or diploma, which shall authorize the student obtaining the same, to teach in any of the public schools of this state, for such teachers of public schools; 2, bachelor of arts, 3, master of accounts, 4, master of civil engineering, 5, master of science, and 6, master of arts. Any and all of said certificates and diplomas shall be signed by the president of said society, and counter-signed by the secretary, and may be signed by such of the faculty as may be determined by the said board of trustees.

Public Act.

SEC. 7. Be it further enacted, That this act shall be deemed a public act, and shall be judicially taken notice of without being specially pleaded.

Approved Feb. 4, 1893.

No. 131] AN ACT. [s.

To incorporate the News Publishing Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Rufus N. Rhodes, E. C. Campbell and E. W. Rucker, be and they are hereby created a body corporate, under the name of the News Publishing Company, and said corporators and their associates by and under said corporate name shall have succession, and shall have all the powers incident to corporate bodies and necessary to carry out the powers herein specially granted. Corporators.

SEC. 2. Be it further enacted, That said corporation shall have power to own, print and publish newspapers, books and periodicals, to conduct job printing offices, to buy and sell books, paper, stationery and all other things incidental to or connected with that business, to buy and sell real estate and personal property, to purchase own and lease the property of any other corporation engaged in any lawful business, and to buy, own, and hold and sell the stock and bonds of any other corporation and to consolidate with any other corporation with the consent of a majority in value of its stockholders. Powers.

SEC. 3. Be it further enacted, That the capital stock of said corporation shall be fixed at one hundred thousand dollars, but the same may be increased to one million dollars in the manner prescribed by law. Capital.

SEC. 4. Be it further enacted, That the corporators herein named, or the majority of them, may open books of subscription to the capital stock of such corporation, and when fifty thousand dollars is subscribed, the subscribers shall be called together for the purpose of organization, and at such meeting the subscribers shall elect a board of directors to consist of such members as they may deem proper, and the board of directors so chosen, shall choose all such officers as they may deem necessary, and the number of directors so chosen may be increased or reduced as the stock- Organization.

holders may at any subsequent annual meeting deem proper. The stockholders of said corporation shall meet annually, and at such other times as the board of directors or the by-laws shall prescribe.

SEC. 5. Be it further enacted, That the said corporation may issue bonds bearing not more than eight per centum per annum interest, and secure the same by a mortage or deed of trust on any part of its property or franchises, and the issue of such bonds may be increased from time to time as the stockholders may determine.

May issue bonds.

SEC. 6. Be it further enacted, That the said corporation may, with the consent of two-thirds of the stockholders, at a meeting called for that special purpose, issue preferred stock, with such privileges and powers as they may determine.

Preferred stock.

Approved Feb. 4, 1893.

No. 132.] AN ACT [H.B. 259.

To repeal the tax known as the judge's fee in the City Court of Montgomery.

SECTION 1. Be it enacted by the general Assembly of Alabama, That from and after the passage of this act, the tax known as the judge's fee, which is now charged in cases disposed of in the city court of Montgomery, shall not be charged in civil cases.

Repeal.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved Feb. 4, 1893.

No. 133.] AN ACT [H. B. 35

To amend an act entitled an act to establish the City Court of Decatur. Approved February 8th, 1889.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act "to establish the City Court of Decatur" be, and the same is hereby amended so as to read as follows:

SECTION 1. Be it enacted by the General Assembly of Alabama, That there is hereby established in and for the county of Morgan, an inferior court of law and equity, which shall be called the "City Court of Decatur," which court shall have and exercise all the jurisdiction and powers which now are or may hereafter by law be conferred on the several circuit and chancery courts of this State. That said court shall have, after the passage of this act, exclusive jurisdiction of all criminal causes in Morgan county originating by indictment, except in cases of emergency, when the judge of the circuit court may, in his discretion, cause grand and petit jurors to be drawn, summoned and empanneled for the indictment and trial of criminals, and that any criminal cause now pending in the circuit court of Morgan county, shall be at once transferred for trial to the city court of Decatur, and the clerk of said circuit court shall transfer and file in the said city court all the original papers in the cause, together with certified copies of all docket and minute entries in said cause, and thereupon the said city court shall have exclusive jurisdiction of such causes. When exercising the jurisdiction and powers of courts of law, said city court shall conform to the rules of procedure and practice in the circuit courts of this State, and when exercising the powers and jurisdiction of courts of equity, it shall conform to the rules of procedure and practice in the chancery courts of this State except where rules of procedure are changed by this act; Provided, that the presiding judge of said court shall have power to make and adopt such rules of practice as may be required by a proper system of city practice, and to amend the same as may be expedient. Such rules shall be entered of record upon the minutes of said court and the same may be changed or amended by the supreme court of the state.

Establishment.

Causes transferred.

Rules of practice.

SECTION 2. Be it further enacted, That section 5 of

said act be and the same hereby is amended so as to be read as follows: Section 5. That said court shall be held and the office of the clerk and register and the records thereof shall be kept at Decatur in said county. Said court shall hold two regular terms in each year, and may continue in session until the business thereof is disposed of, but jurors shall be drawn for only the first three weeks of each regular term. The first two weeks of each regular term shall be devoted to trial of civil cases in which juries are demanded; and the third week to the trial of criminal cases. Special terms may also be held, where in the opinion of the judge of said court they shall be necessary for the proper transaction of business, of which terms twenty days notice shall be given in some newspaper published in the city of Decatur, and juries for such special terms must be drawn and summoned in the same manner as is now provided for by law for drawing and summoning juries for special terms of the circuit courts. The regular terms of said court shall be held on the first Monday in January and June of each year; Provided, that it shall be the duty of the jury commissioners of Morgan county to meet immediately after the passage of this act and draw in the mode and manner provided by law, the extra jurors necessary under this act for the city court of Decatur for the year 1893.

Where courts held.

Juries.

Terms.

SEC. 3. Be it further enacted, That section 6 of said act be and the game hereby is amended so as to read as follows: Section 6. That in all civil cases at law in said city court the defendants therein shall be required by the summons therein, served upon them, to appear and plead or demur to the complaint within thirty days after such service of summons and complaint upon them, whether the said service shall he executed in term time or vacation. In cases commenced otherwise than by suing out and service of summons and complaint, defendants shall appear and demur or plead within thirty days after perfection of service of notice or publication upon or to them, whether the same shall occur in term time or vacation, and in all cases after thirty days from such service of notice or perfection of publication, such causes shall be at issue and triable, when the same shall be reached on the regular call of the docket. Any defendant failing for more than thirty days after service of notice or perfection of publication, in any cause to ap-

Civil suits.

When causes triable.

pear therein, and demur or plead, shall be held to be in default, and judgment by default may be rendered against him, whenever such case shall be reached on the call of the docket. Provided, That for good cause shown, the judge of said city court may allow demurrers, pleas or defenses after such thirty days on such terms as he may think just; Provided further, That whenever a plaintiff, his agent or attorney, in any cause wherein a plea or pleas have been filed, and wherein service has been perfected on defendant for thirty days, shall make and file in the cause an affidavit, stating that he knows of no legal defense to the action, and that affiant verily believes the plea or pleas were filed for the purpose of delay merely, and shall serve a copy of such affidavit on the defendant or his attorney of record, the cause shall, after ten days from such service, on motion of the plaintiff or his attorney, and due proof of such service, be ordered by the court to be placed on the default docket, and the plea or pleas stricken from the file and judgment by default or nil dicet rendered, unless within ten days after such service of such copy of the affidavit the defendant, his agent or attorney shall make and file in the cause an affidavit stating that the plea or pleas were not filed for the purpose of delay, but for the bona fide purpose of making a legal defense to the action. The court may, in its discretion, on motion of defendant, extend the time for filing such counter affidavit by defendant.

Judgement by default.

Time may be extended.

SEC. 4. Be it further enacted, That section ten of said act be and the same hereby is amended so as to read as follows: Section 10. That the grand and petit jurors for said city court shall be drawn, summoned and empanelled in the same manner as is now or may hereafter be provided by law in respect to grand jurors and petit jurors in the circuit courts of the state, except that the clerk and register of said city court of Decatur shall be charged with and perform the same duties prescribed by law for the clerks of the circuit courts of this state, relative to drawing, summoning and empannelling of grand and petit jurors in said city court of Decatur, and venires for such jurors shall be issued in the same manner as in and for the circuit courts of this state, and the city court shall have the same powers as the circuit court to issue special venires and to call in tales jurors. Provided, That the judge of said city court shall empannel at least

Drawing juries

two grand juries each year, but said grand juries shall remain in session one week only each term, unless for good cause shown the judge of said court extends the time; and provided further, That the judge of said city court shall have power to direct for what week of the term grand and petit jurors may be summoned.

SEC. 5. Be it further enacted, That section thirteen of said act be and the same hereby is amended so as to read as follows: Section 13. That in the trial of any cause at law without a jury in said city court, in addition to the questions which may be under existing laws presented to the supreme court for review, either party may, by bill of exceptions also presented for review, the conclusion and judgments of the court on the evidence, and the supreme court shall review the same without any presumption in favor of the ruling of the court below on the evidence, and if there be error, shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceeding as to the supreme court shall seem right; Provided, That no bills of exceptions shall be signed by the judge of said court after the expiration of thirty days from the trial of the cause, unless by consent or agreement of counsel in writing.

Appeals.

SEC. 6. Be it further enacted, That Section 12 of said act be and the same hereby is amended so as to read as follows: Section 12. Be it further enacted, That in all civil cases at law in said city court, the issues and questions of facts shall be tried by the court without the intervention of a jury, unless a jury be demanded by the plaintiff at the commencement of the suit, or by the defendant at the time of the filing of his plea or demurrer, by endorsing such demand in writing on the summons and complaint, plea or demurrer, and when a jury is so demanded, the sum of ten dollars ($10.00) shall be taxed against the unsuccessful party, to be paid when collected into the county treasury for the use of the county. Provided, that when a cause is transferred to said city court, the demand for a jury shall be made at the time of the application for such transfer, and a failure to demand a jury as above directed, shall be deemed and held a waiver of the right of trial by jury; Provided further, that in all ac-

Jury may be demanded.

tions begun before a justice's or other inferior courts, and brought into the city court by appeal or certiorari, the demand for a jury shall be made by the appellant at the time of filing his appeal or certiorari bond, by endorsing the demand therefor on said bond, which endorsement must be attested by the officer approving the same, at the time of the filing of said bond, and if the appellee desires a trial by jury, he shall file with the clerk and register of said city court a written demand therefor within ten days after the notice of appeal or certiorari is served upon him, or if no notice is served upon him, or acknowledged by him, then such demand must be made at the time of entering his appearance in said city court, and a failure to demand a jury in such manner shall be deemed and held a waiver of the right of trial by jury. Provided further, that in all criminal cases in said court the defendant shall be entitled to trial by a jury. Provided, that in cases of misdemeanors the defendant make a written demand therefor to the clerk of said court by the first day of the criminal week, or make a demand therefor in open court when the case is called for trial, (the defendant being present,) and a failure to demand a jury as above directed shall be deemed and held a waiver of the right of trial by jury. Provided further, that in all such cases of trial by jury it shall be the duty of the clerk, upon each conviction, to tax the defendant as costs the sum of five dollars, which sum when collected shall be paid into the county treasury, to be held and paid out by the county treasurer as other funds are held and paid out by him.

Waiver of right.

Costs.

SEC. 7. Be it further enacted, that Section 23 of said act establishing the city court of Decatur be, and the same hereby is repealed.

SEC. 8. Be it further enacted, That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved Feb. 4, 1893.

No. 134.] AN ACT [H. B. 333.

To incorporate Springville High School in St. Clair county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That A. W. Woodall, John McClendon, David A. Alderholt, L. A. Bradford, A. W. McClendon, W. S. Forman and John W. Inzer, and their successors in office be, and the same are hereby constituted a body corporate under the constitution and laws of this, state, under the name and style of Springville High School, and by such name shall have perpetual succession; may sue and be sued, may plead and be impleaded in any of the courts of this state; may have and use a corporate seal, and change the same at pleasure; may own real and personal property to the amount of not more than twenty ($20,000) thousand dollars, which shall be exempt from taxation so long as used for school purposes; shall have power to sell, lease or mortgage any of its property and borrow money.

Corporators.

Powers.

SEC. 2. Be it further enacted, That as soon as practicable after the passage of this act it shall be the duty of the persons named in the first section of this act, or a majority of them, to meet and organize by electing a board of trustees for the government of the school.

Organization.

SEC. 3. Be it further enacted, That the objects and purposes of said corporation shall be the establishment, organization and maintenance of an institution of learning of high grade, for the education of white males and females in the arts and sciences, to be located in or near the town of Springville, in St. Clair county.

Purposes.

SEC. 4. Be it further enacted, That said board of trustees shall elect a principal of said institution, and provide for the employment of a sufficient number of teachers for said school, and to fix their compensation and provide for the payment of the same.

Teachers employed.

SEC. 5. Be it further enacted, That the trustees of

said Springville High School, in connection with the faculty thereof, shall have the right to grant certificates or diplomas in all branches of study completed by said students in said Springville High School.

Rules and regulations.

SEC. 6. Be it further enacted, That the corporate authorities of said Springville High School shall have power to make all necessary rules, regulations and by-laws for the government of school, and to fully carry into effect the objects and purposes of this act, not inconsistent with the constitution and laws of the state of Alabama.

Public school.

SEC. 7. Be it further enacted, That the school authorities may arrange with said Springville High School to carry on a public school, provided said public school shall be fully under the direction of the school authorities of the county of St. Clair, and state of Alabama, and shall be governed by the general school laws.

Approved Feb. 9, 1893.

No. 135.] AN ACT [s. 42.

To authorize probate judges in certain cases to collect money on warrants drawn by the auditor on the treasurer of this state, under the provisions of an act of the General Assembly of Alabama, entitled "An act for the relief of needy Confederate soldiers, residents of Alabama, who from wounds or other causes are now unable to earn a livelihood, and for the widows of such as were killed or died in said war, and have not since married," approved 13th February 1891, and to disburse the same.

SECTION. 1. Be it enacted by the General Assembly of Alabama, That in all cases where applications have been or may hereafter be made under the provisions of an act of the General Assembly of Alabama, entitled an act for the relief of needy Confederate soldiers, residents of Alabama, who from wounds or other

causes are now unable to earn a livelihood, and for the widows of such as were killed or died in said war and have not since re-married, Approved 13th February 1891, and such applicants die before the same are allowed, or before the warrants drawn by the auditor on the treasurer therefor has been paid, then in every such case it shall, and may be lawful for the probate judge of the county in which the applicant lived at the time of his death, to draw the money on such warrant and to receive the same from the state treasurer on the surrender of the warrant with his certificate under seal thereto attached, showing the death of the applicant and his place of residence at the time of his death.

Judge draw money.

SEC. 2. Be it further enacted, That it shall be the duty of the probate judge on the receipt of the money on any such warrant, to pay the same over to the widow of such deceased soldier or sailor if living. But if he leaves no widow, then the probate judge shall pay the funeral expenses of such deceased soldier or sailor, and the balance pay over to his next of kin, and if the money so received is on account of an application made by a widow of a deceased soldier or sailor, who has died, then it shall be the duty of such probate judge out of amount of money so received, to first pay the funeral expenses of such deceased widow, and remaining portion thereof shall be paid by him to the next of kin of said deceased widow, or to her legal representatives.

How money paid.

SEC. 3. Be it further enacted, That the probate judge receiving any money under this act shall be liable on his official bond for a failure to account for the same or any part thereof, and that he shall have or receive no fees or compensation for services rendered by him under the provisions of this act.

Approved Feb. 6, 1893.

No. 136.] AN ACT [s. 65.

To confirm, amend and extend the charter of The Medical Association of the State of Alabama, which was approved on the 13th of February, 1850.

SECTION. 1. Be it enacted, by the General Assembly of Alabama, That James Thomas Searcy, president, Jacob Huggins, senior vice-president, Barclay Wallace Toole, junior vice-president, Thomas Alexander Means, secretary, Walter Clarke Jackson, treasurer, and Jerome Cochran, George Augustus Ketchum, Edward Henry Sholl, Milds Scott Dubose, Jno. Brown Gaston, Samuel Dibble Seelye, Wm Henry Sanders, Chas. Whelan, Chas. Higgs Franklin, and Benj. James Baldwin, board of censors, and their associates, and successors of The Medical Association of the State of Alabama, be and are hereby constituted a body corporate under the name and style of The Medical Association of the State of Alabama, and by that name and style may sue and be sued, plead and be impleaded, and have a common seal with power to change or alter the same at pleasure; and the corporation hereby constituted shall be recognized as the continuation of the corporation instituted under the same name and style by an act of the General Assembly which was approved on the 13th day of February, 1850, and which was composed of A. Lopez, J. Marion Sims, N. L. Meredith, Thos. N. Mason, J. A. English, T. A. Bates, W. B. Johnson and N. M. Jackson, and their associates and successors.

Corporators.

Name and stlye.

SEC. 2. Be it further enacted, That this said corporation, The Medical Association of the State of Alabama, together with the county medical societies in affiliation therewith, shall be governed in accordance with the provisions of the constitution adopted by it at its annual session in Tuscaloosa 1873, and also in accordance with the provisions of the several acts of the General Assembly which have been or may be enacted for the government of the said corporation, and the said corporation may from time to time enact or ordain

Government.

such by-laws, regulations and ordinances for its government as to it may seem expedient not in conflict with the laws of this state, nor with the provisions of the said constitution of 1878.

SEC. 3. Be it further enacted, That the officers of the said medical association shall be, as provided for in the said constitution of 1873, as follows: One president, two vice-presidents, one secretary, one treasurer, and ten censors; to be elected according to the provisions of the said constitution, and with the powers and duties therein enumerated, and the board of the ten censors shall, in the intervals between the sessions of the said association, constitute the business and executive committee thereof, and shall have the full legal power and authority to act for the said association in the discharge of all of its legal powers, duties and obligations.

Officers.

SEC. 4. Be it further enacted, That in the said medical association of the State of Alabama, there shall be four classes of members, namely: (1) the members of the affiliated county societies; (2) delegates of which each affiliated society is entitled to two; (3) counsellors not to exceed one hundred (100) on the active roll, plus such n ambers of life counsellors as may be transferred to the life roll after twenty years service on the active roll; and (4) correspondents, all according to the provisions of the constitution of 1873, with the privileges and duties as therein set forth; counsellors, and delegates only to be entitled to vote; and counsellors alone to be entitled to hold office; and the counsellors and delegates, not less than twenty-five present at any session of the association, regular or called, to constitute a quorum competent for the transaction of any business that can legitimately come before any session.

Classification of members

SEC. 5. Be it further enacted, That the said association is hereby authorized, and empowered to have and to hold by purchase, gift, grant or otherwise property real and personal and mixed not to exceed in value two hundred thousand dollars ($200,000.00) and to sell, hypothecate and dispose of the same at pleasure.

May hold property

Approved Feb. 6. 1893.

No. 137.] AN ACT [s. 119.

To incorporate the McCall Educational Institute at Hoke's Bluff, Etowah county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That P. L. McCall, L. L. McCall, S. J. McCall and R. T. Mayfield, and their successors in office, shall be and are hereby declared a body corporate under the constitution and laws of the State of Alabama, by the name and style of the McCall Educational Institute, in the town of Hoke's Bluff, Etowah county, Alabama, and shall be able and capable in law and equity to sue and be sued and plead and be impleaded in any of the courts of this state, and shall have a common seal, with the authority to change it at pleasure, and hold real and personal property to the amount of ten thousand ($10,000) dollars, which shall be exempted from taxation under the laws of Alabama, so long as used for educational purposes. That the said McCall Educational Institute shall be for the higher education of males and females of the white race; that said corporators shall have power to borrow money, receive donations and bequests for the use of such institute, and the right to mortgage and sell its property.

Incorporators.

Powers.

SEC. 2. Be it further enacted, That said McCall, Educational Institute, by and through its board of trustees and faculty, shall have the right and power to grant and issue diplomas and certificates of proficiency, such as they deem proper, and confer degrees on students.

Diplomas.

SEC. 3. Be it further enacted, That the faculty of said McCall Educational Institute may grant to students of said institute certificates of proficiency in all branches of study completed by said students in said institute, after having examined them in said branches as required by the school laws of the State of Alabama, and said certificates of proficiency, when presented to any county superintendent of education in the State of Alabama, shall entitle the possessor to a

Certificates.

license to teach the branches enumerated therein in the public schools of this State without further examination; Provided, however, that the holder of such certificate first presents to said county superintendent of education such proofs of good moral character as prescribed by the school laws of Alabama.

SEC. 4. Be it further enacted, That the school authorities of Etowah county may arrange with said McPublic School. Call Educational Institute to carry on a public school, provided said school be fully under the directions of the school authorities of said county of Etowah and State of Alabama, and shall be governed by the general shool laws of said State.

SEC. 5. Be it further enacted, That said board of corporators and their successors in office, as such shall Powers. have the right to elect all teachers that are necessary, of which the principal teacher shall be president and another secretary; to make all rules, regulations and by-laws for the government of said school, and fully carry into effect the objects and purposes of this act not inconsistent with the constitution and laws of Alabama.

SEC. 6. Be it further enacted, That all diplomas Efficiency of granted by the McCall Educational Institute shall have Certificates. the same efficiency as those granted by colleges and institutes of learning, and no diploma or certificate of proficiency shall be valid unless signed by the president of the faculty and secretary of the same.

SEC. 7. Be it further enacted, That this act shall take effect from and after its passage.

Approved Feb. 4, 1893.

No. 138.] AN ACT [s.274.

To ratify and confirm the resolutions of the stockholders of the Sheffield Land, Iron and Coal Company of Alabama, adopted August 17th, 1892, and the sale and conveyances made thereunder.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the resolutions adopted by the stockholders of the Sheffield Land, Iron and Coal Company of Alabama, on the 17th day of August, 1892, at a meeting called for the purpose of submitting to the stockholders of said company a plan for the settlement of said company's indebtedness, which said resolutions authorized a sale of said company's assets, and the sale and conveyance executed by said land company in accordance with, and under the provisions of said resolutions, be and the same hereby are, in all things ratified and confirmed. Resolutions ratified and affirmed.

SEC. 2. Be it further enacted, That to carry out said resolutions as adopted by the stockholders of said company at said stockholders' meeting, held on the 17th day of August, 1892, the Sheffield Land, Iron and Coal Company of Alabama, is hereby authorized to sell, transfer and assign unto the Sheffield City Company the franchises and property, real, personal and mixed, set out in said resolutions, held and possessed by it; Provided, the said Sheffield City Company, purchasing said franchises and property of the Sheffield Land, Iron and Coal Company of Alabama, shall first, as part of said consideration for the purchase, pay the outstanding debts, and assume the obligations of the said Sheffield Land, Iron and Coal Company of Alabama, as set forth in said resolutions. May dispose of property.

Approved Feb. 6, 1893.

No. 139.] AN ACT [s. 84.

To make and create Shelley D. Bowling a legal and lawful heir, with equal rights of other legal and lawful heirs of John W. Bowling, both of the State of Alabama, and county of Dale.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Shelley D. Dowling be and is hereby created a legal and lawful heir, with equal rights to inherit with other heirs of John W. Bowling, both of the State of Alabama and county of Dale.

SEC. 2. Be it further enacted, That all of the real estate, personal property, goods, chattels and property of whatsoever kind, of which the said John W. Dowl-
Share in the ing shall be possessed at his death, the said Shelley D.
estate. Dowling shall be and is hereby authorized and entitled to share, receive and have of the same in equal part and parts for himself and to his heirs, with other lawful heirs at law of the said John W. Dowling, Provided, nothing herein contained shall be so construed as to hinder or make void any grant, conveyance, bequest or last will and testament made by the said John W. Dowling during his lifetime, and after the approval of this act.

Approved Feb. 6,1893.

No. 140.] AN ACT [H. B. 760

To amend an act to establish a new charter for the city of Demopolis. Approved March 28, 1873.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to establish a new charter for the city of Demopolis, approved March 28, 1873, be amended so as to read as follows : Section 1. Be it enacted by the General Assembly of Alabama, That the
Incorporated. inhabitants of the city of Demopolis shall be and continue a body politic and corporate by the name of the city of Demopolis, and by that name may sue and be

sued, plead and be impleaded, grant, receive and do all other acts as natural persons, and may purchase and hold real, personal and mixed property, and dispose and manage the same for the benefit of said city, and may have and use a common seal, which may be broken or altered at pleasure.

SEC. 2. Be it further enacted, That the corporate limits and boundaries of the city of Demopolis, in the county of Marengo, state of Alabama, shall be and the same are hereby designated and established as follows: Beginning at the southwest corner of section twenty-four, township eighteen, range two east, thence due east along said section line to a point where the western boundary line of Cherry street, if continued in a southerly direction, would intersect with the said section line between sections twenty-four and twenty-five, township eighteen, range two east; thence from said point on said section line on a straight line and in a northerly direction to the northwest corner of Cherry and Jackson streets ; thence along the western boundary line of Cherry street to the southwest corner of Cherry and Perry street; thence east along the southern boundary line of Perry street to the southwest corner of Perry and Ash streets ; thence north along the western boundary line of Ash street to the northwest corner of Ash and Lyon streets; thence west along the northern boundary line of said Lyon street to the northeast corner of Lyon and Cedar streets; thence north along the eastern boundary line of Cedar street to a point on the northern boundary line of Fulton street; thence west along the northern boundary line of said Fulton street to the northwest corner of Fulton and Walnut streets; thence north along the western boundary line of Walnut street to the southeast corner of Lot No. two hundred and fifty three, as known and described on the map or plan of the said city of Demopolis; thence west to the Tombigbee river ; thence down the east bank of the said Tombigbee river to the point where the line between sections twenty-three and twenty-four, township eighteen, range two east, intersects said river; thence south down said section line to the point of beginning; but said corporation shall continue to work and keep open all the streets laid upon the map or plan of said city to the corporate limits, as they existed prior to the passage of this act, and all the male citizens who are over

Boundaries.

the age of eighteen years and under the age of forty-five years, who reside between the territory lying between the corporate limits herein established and the corporate limits of the city of Demopolis, as it existed prior to the passage of this act, shall be liable to work the streets of said city for not more than ten days in any one year, or pay a street tax in lieu of said working, not to exceed three dollars per annum, and all such citizens who pay such tax or perform such work shall be and they are hereby relieved of road duty.

Work on streets.

SEC. 3. Be it further enacted, That the government of said city shall consist of a mayor and six councilmen, who shall be elected as hereinafter prescribed. The mayor and councilmen shall be elected on the first Monday in May, 1893, and on the first Monday in May every two years thereafter, by ballot, by the male inhabitants of said city who are twenty one years old or upwards, who are citizens of the United States, or who have declared their intention of becoming a citizen of one of the United States, who shall have resided in this state one year, in the county of Marengo three months, and in the corporate limits of the city of Demopolis thirty days next immediately preceding such election, at which he offers to vote, and are qualified electors under the general election laws of Alabama, and are registered as hereinafter provided, and should the election for any cause not take place on the day fixed, the corporation, for that reason, shall not be dissolved, and it shall be the duty of the mayor and councilmen to fix some day as early as convenient within thirty days thereafter, on which day the said election shall be held, and should the mayor and councilmen wilfully fail and neglect to provide for the election as herein directed, they shall each be guilty of a misdemeanor. In case of a vacancy from any cause, either in the office of mayor or councilmen, the vacancy shall be filled by election, by ballot, by the remaining members of the board at its next regular meeting after such vacancy occurs. The present mayor and councilmen shall hold their offices until their successors are elected and qualified.

Government.

Elections.

Vacancies.

SEC. 4. Be it further enacted, That the polls for said election shall be opened and kept open in the manner prescribed by the laws governing elections in this state, and on closing the polls the inspectors shall proceed im-

mediately to count the ballots ; and the inspectors shall certify the result to the mayor and councilmen, and the mayor and councilmen shall issue to each person elected a certificate of his having been duly elected. The mayor and councilmen shall appoint three persons for each polling place in said city, who are qualified electors of said city, as inspectors of said election; and the said inspectors shall have full power and authority to keep order at the place of holding said election, and to commit to jail any person who shall make or attempt to make any disturbance at the place of holding said election, so as to interfere with the peaceable and orderly conducting of said election, and the city marshal shall obey all orders of said inspectors. The mayor and councilmen shall give thirty days' notice by publication in some newspaper published in said city, or by posting in three or more public places in said city, of the time and place, or places, of holding said election.

Officers of elections.

SEC. 5. Be it further enacted, That any election held under this act may be contested in the same manner as is or may be provided by the laws of this state for contesting the election of a probate judge, and all the provisions of such laws in relation to contesting the election of a judge of probate shall, so far as the same are or may be applicable, apply to contests of any elections held under this act.

Contests.

SEC. 6. Be it further enacted, That the ballots cast at the several polling places in Demopolis shall be carefully sealed up in a box and deposited with the clerk of the city, who shall preserve the same for thirty days, and if there be no contest, burn the same; but if there be a contest, they shall be delivered to the clerk of the circuit court of Marengo county, who shall preserve the same till said contest is finally disposed of.

Ballots preserved.

SEC. 7. Be it further enacted, That at least seventy days before the first Monday in May of every odd numbered year, it shall be the duty of the mayor and councilmen to appoint one or more registrars of voters, and to designate the place or places of registration. Said registrars shall each commence registration not less than sixty days before said election, and shall close said registration twenty days before said election is held at ten o'clock, p. m. of the day registration is closed. Each of said registrars shall give at least three days notice by advertisement

Registration.

in some newspaper published in said city, or by posting in three or more public places in said city of his appointment, and of the time and place at which he will attend and make registration of voters as herein required; and should any of the registrars so appointed fail to act, or from any cause a vacancy should occur in said office, the mayor and coucilmen shall appoint some person to fill said vacancy. Before registration is made of any applicant therefor, the registrar must be satisfied by personal knowledge, or otherwise, that he is, or will be by the then ensuing election, a qualified elector of the said city, and the said registrar being satisfied must thereupon place the name of such applicant upon the registration list, with his age, color, and such other description as may easily identify such voter. The said registrar shall give each person registered a certificate of registration, and such certificate of registration, or a certified copy thereof, as

Certificates of registration

tors of elections by the elector when he offers to vote, and no elector shall be allowed to cast his ballot, who does not present his certificate of registration or certified copy thereof, as hereinafter provided for; Provided, that in case of loss of certificate of registration, the registrar shall upon the presentation of an affidavit of the loss of such certificate of registration, issue another certificate of registration, at the expense of the elector; but no such certified copy of registration shall be issued less than twenty (20) days preceding any election. In case any registrar shall fail or refuse to issue a certificate of registration, or certified copy of such certificate to any elector entitled to the same, as above provided, he shall be guilty of a misdemeanor, and fined not exceeding five hundred dollars. And such registrar, immediately after closing such registration, shall make an alphabetical list of the same, and certify said original and copy thereof over his signature, and deliver the same to the clerk of the city, who shall file the original in his office and deliver the certified copy to the inspectors of the election. After the first registration it shall not be necessary for voters to be registered at each succeeding election. The registrars shall receive such compensation as the board shall see fit to pay them, not exceeding five cents for each person registered.

Registration lists.

SEC. 8. Be it further enacted, That before entering

on the discharge of their duties, each of the said registrars shall make oath before the mayor that he will faithfully and truly cause registration to be made of all persons who may personally apply therefor, and show that they are legally entitled to vote at the next ensuing election, and he shall not register any other persons. For violation of his duty as such registrar, he shall be guilty of a misdemeanor, and fined not exceeding five hundred dollars.

Oath of registrars.

SEC. 9. Be it further enacted, That the inspectors of elections, before entering on the discharge of their duties, shall elect two clerks, and said inspectors and clerks, before entering on their duties, shall make and subscribe the following oath to be administered to them by the mayor, or by one of their own number, "State of Alabama, Marengo county, I, ——, do solemnly swear that I will perform the duties of inspector (or clerk, as the case may be) according to law to the best of my ability, so help me God." The inspectors shall not receive the ballot of any person whose name does not appear on the official copy of the registration list as furnished by the clerk and does not, on demand, make satisfactory proof of his identity with the person whose name may be on the said registration list, and who does not present a certificate of registration or certified copy thereof as provided for in section 7 of this act. The official copy of registration shall be presumed to be correct, but may be corrected by comparison with the original registration list on file with the clerk. The ballot must be a plain piece of white paper, without any figures, marks, rulings, characters, or embellishments thereon, not less than two and one-half inches, nor more than three inches in width, and not less than five inches nor more than ten inches in length, on which must be written or printed or partly written and partly printed, only names of the persons for whom the elector intends to vote, and must designate the office for which each person so named is intended to be chosen. No ballot shall be rejected as illegal by reason of the abbreviation of the names of the persons voted for, or by reason of the use of numerals as abbreviations, or by reason of the erasure of names and the insertion of other names, if what is meant by the ballot appears from its face; nor shall any ballot be rejected as illegal by reason of its nonconformity to the prescribed dimensions, if it reasonably

Oath of inspectors.

Ballots.

appears that the elector had no intention to violate the law. The inspectors and clerks shall receive $1.50 per day for their services.

SEC. 10. Be it further enacted, That should there be a tie vote for any office the mayor and councilmen shall order a new election for such office to be held within thirty days thereafter, and in the same manner and form as hereinbefore provided for a regular election.

Ties.

SEC. 11. Be it further enacted, That the councilmen shall elect one of their number mayor pro tem., who shall act instead and perform the duties of the mayor in his absence, inability or incapacity to act; and in the case of the mayor's death, resignation or removal from the city, until his successor shall be elected and qualified. During the time of such service, he shall receive the fees and salary attaching to said office.

Mayor pro. tem.

SEC. 12. Be it further enacted, That any councilman may be deposed for misconduct in office, intemperance, or for habitual neglect of his duty, by a two-thirds vote of all the members of the council. The mayor may be removed for malfeasance in office, intemperance or gross immoral conduct, or for any cause which incapacitates him for discharging his duties, by the circuit court of Marengo county, on the presentment of three members of the council. The charges shall be filed in the office of the clerk of the circuit court of said county, by the council in the name of the city, signed by three members of the council, and attested by the clerk; and notice of the filing of the same shall be issued by the clerk of the said circuit court, and served on the mayor by the sheriff of Marengo county. The case shall be put on the civil docket, and stand for trial at the first term of the court after the filing of the charges; Provided, the notice to the mayor shall have been served on him twenty days before the first day of the term of the said circuit court. The trial shall be conducted according to the rules of practice in criminal cases. The judgment of the court shall not extend beyond removal from office and the imposition of the costs.

Removal of Mayor or councilmen.

Trails.

SEC. 13. Be it further enacted, That no person shall hold the office of mayor or councilman of said city,

who has not resided therein tor one year next previous to the election. Should the mayor or any councilman remove from the city, his office shall be vacated thereby, and the remaining members of the council shall proceed at once to fill the vacancy as hereinbefore provided for. Vacating office

SEC. 14. Be it further enacted, That a majority of the board shall be necessary to transact any corporate business, but any number, not less than three, may assemble at their regular place of meeting, and adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the board may prescribe; the board may determine the rules of its proceedings, and may fine its members for disorderly or unbecoming conduct. Meeting of council.

SEC. 15. Be it further enacted, That it shall be the duty of the mayor to preside and keep order at the meetings of the board; he shall call special meetings of the board whenever, in his opinion, the interest of the city requires it; he shall keep his office in said city, and hear and determine all cases of violations of the charter, by-laws, or ordinances of the city, and punish the offender in such manner as the board may direct; and he shall possess within the corporate limits of said city all the power and jurisdiction of a justice of the peace in civil and criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace; Provided, that he shall not be required to take jurisdiction of, try, or determine any cause, civil or criminal, as an ex-officio justice of the peace, that has not already come before him as mayor of the city; and in all cases in which he acts as justice of the peace he shall be entitled to the same fees as are allowed justices of the peace by law for like services. Duties of mayor.

From any judgment or decision of said mayor, acting as mayor or as a justice of the peace, an appeal may be taken by the defendent to the next term of the circuit court of Marengo county, upon the defendant entering into bond, payable to the city of Demopolis, with good and sufficient security, in such sum as the mayor may prescribe, and to be approved by him, to appear at the next term of the court to which appeal is taken, and Appeals.

from term to term thereafter till discharged by law, and to abide by and perform whatever sentence may be adjudged against him, and such cause shall be placed on the criminal side of the docket and the circuit solicitor shall prosecute such appeal case, as in state cases, and a solicitor's fee of seven dollars and fifty cents, ($7.50,) shall be taxed and collected from the defendant on conviction, and if the defendant be convicted, the court or jury trying the case may impose fine or imprisonment, one or both, just as the mayor could have done under the ordinance of the city, on the trial before him, and if the fine be not paid, or imprisonment be imposed, or judgment confessed, the defendant shall be remanded to the city prison, there to remain until discharged, as provided by the ordinances of the city upon conviction by the mayor. In case the de-

Default. fendant does not appear at the trial, his bond shall be declared forfeited, and judgment shall be rendered thereon against the defendant and his sureties as in state cases, except that the judgment shall be in favor of the city of Demopolis; Provided, that such appeal be taken and fully perfected within five days from the rendition of such judgment by the mayor, and the cause shall be tried de novo, and it shall be the duty of the court to speed the trial thereof. The mayor shall have jurisdiction of all proceedings by motions scire facias or other writs instituted for the collection of any fund or bond payable to the city of Demopolis, taken under this act, or under the ordinances of the

Executions. city, passed in pursuance of this act; and from his judgment rendered in such proceedings, execution thereon, may issue, and be enforced as execution from magistrate's court; he shall have the right, when the good and safety of the city may require it, to demand the aid of the Sheriff of Marengo county, and of the volunteer militia companies in the city for its defence; he may punish any contempt while

Contempts. holding his court or while the board is in session, by fine not exceeding ten dollars, and by imprisonment not exceeding one day, one or both; he shall have the power to suspend the marshal or any policeman until

the next regular meeting of the board, and shall report to such meeting the fact of such suspension and its cause; and he may compel the attendance of witnesses in his court by fining them not exceeding twenty dollars, to be enforced as other fines are enforced it they fail to appear and testify before him after being duly summoned; and he shall do and perform such other and further duties as the board may require.

Mayor's docket.

SEC. 16. Be it further enacted, That the mayor shall keep a docket of all the causes instituted before him, and noting and endorsing the orders, judgments, etc., therein, together with the dates of the issuance and delivery of the original and final process, the delivery and return thereon, or the substance thereof, and shall keep a minute or record of the orders, judgments, etc., and said dockets, records and indexes shall be open for public inspection under such rules as the board may prescribe.

Subordinate officers.

SEC. 17. Be it further enacted, That the board shall appoint a clerk, and may appoint a treasurer, tax collector, tax assessor, marshal, and such other officers as they see fit and think necessary for the good government of the city, and shall prescribe the duties of such officers and their liabilities and powers. The marshal or clerk may be appointed tax collector or tax assessor or both. Before entering on the duties, the mayor, marshal, tax collector, tax assessor, and treasurer shall give bond, with two or more sureties, for the faithful discharge of their duties in such sums as the board may prescribe, and such bonds are to be approved by the board. The bond of the treasurer and tax collector shall be in a sum not less than four thousand dollars ($4000.00). The board may discharge or remove such officers at pleasure, the mayor excepted. For any breach of the bond of such officers, suit may be brought and recovery had before any court having jurisdiction, and such suits shall be governed in the same manner as other like suits. The officers provided for in this section shall be appointed at the first regular meeting of the newly elected board, or as soon thereafter as practicable.

Bonds.

SEC. 18. Be it further enacted, That the salary of the mayor, clerk and marshal shall be fixed by the board, but the salary of the mayor shall not be more
Salaries. than five hundred dollars ($500.00), that of the marshal, not more than seven hundred and fifty dollars ($750.00), and that of the clerk not more than one hundred dollars ($100.00) per annum. The treasurer shall receive not more than five per cent. commission on all disbursements up to four thousand dollars, ($4,000.-00) and not more than two and one half per cent. (2 1/2-per cent.) commissions on all sums in excess of four thousand dollars. The tax collector shall receive not more
Salaries. than five per cent. of the taxes collected up to four thousand dollars ($4,000.00), and not more than (2 1/2 per cent.) two and one half per cent. on the excess of four thousand dollars; and the tax assessor shall receive not more than five per cent. of the assessed taxes up to four thousand dollars, ($4,000.00) and not more than two and one half per cent. above that amount; the salaries of those officers who receive salaries to be paid monthly; but no salary or commission shall be increased or diminished during the term of any officer.

SEC. 19. Be it further enacted, That the city council shall keep a record of all proceedings, orders, regu-
Records. lations and ordinances of the board, which shall be read to the board, and signed by the mayor or acting mayor, and the same shall be of the force and effect of a record, and a copy thereof, duly certified by the clerk, shall be prima facie evidence in any court of record or elsewhere, and said records shall at all times be open to public inspection.

SEC. 20. Be it further enacted, That the marshal
Powers of marshal shall have in said city all the powers of a constable, and shall be entitled to all the fees of such officer when acting as constable ;heshall possess in said city all the powers of a peace officer; he shall execute the orders, notices and processes of the board, and of the mayor, and may arrest without warrant for all violations of city ordinances ; he shall perform such other and further duties as the board may prescribe.

SEC. 21. Be it further enacted, That the mayor and councilmen of said city shall have full power and authority,

1. to make and adopt by-laws and ordinances, in whatever manner and upon whatever subject, to carry out the powers herein granted, and for the good government and order of the city as they think proper; and generally, and in addition to the powers herein specifically enumerated, which are no limitation upor the powers included in this general grant of powers, to ordain and pass such ordinances and by-laws not inconsistent with the laws of this state as shall be needful for the government, police, interest, welfare and good order of the city, and to affix thereto such penalties for the violation of the same by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the city not exceeding thirty days, and all persons con victed of any breach of the by-laws or ordinances of the city, failing to pay or secure such fine, may be impris oned for such failure, or placed at hard labor for the city until such fines and costs are paid, in such manner as the board may direct, not exceeding sixty days Provided, that any person may have the right to give a stay bond with two good and sufficient sureties, to be approved by the mayor, to pay such fine and costs within ninety days from the judgment imposing the same; but if after such bond and security are given, such fine and costs be not paid within ninety days, execution to collect the same may be issued against the obligors on said bond. The board may pass all such laws as an needful to compel persons to work in the streets and alleys in said city, or elsewhere in the city, who refuse to work when under the mayor's sentence for violating any city ordinance or by-laws, but no female must be punished by subjecting her to work on the streets.

General powers.

Fines and costs

2. To pass all laws and ordinances necessary to pre vent the introduction of contagious or infectious diseases into said city, and to preserve the health thereof; to establish and regulate quarantine in said city, and within five miles thereof and to punish any breach of quarantine law.

Health.

3. To prevent and remove all nuisances at the expense of the owner of the property, or when the same is in possession of another than the owner, then at the expense of the person in possession of the premises; to remove all decayed and dilapidated walls, houses and structures calculated to produce disease, or dangerous or unfit for habitation, or dangerous to the public, at the expense of the owner of the same. When the owner fails or refuses for five days after notice shall have been given him in writing by the mayor to remove or renovate or repair such walls, houses or structures, as the case may be.

Nuisances.

4. To establish, set up and regulate hospitals, work houses and houses of correction.

Hospitals.

5. To license, tax, regulate or restrain theatrical or other amusements; to license and regulate the selling, retailing or giving away of spirituous, vinous or malt liquors or beverages, or any intoxicating bitters or beverages, and to provide for annulling and revoking such license on good cause being shown; to close up wholesale and retail liquor establishments for such time as they deem necessary.

Licenses.

6. To restrain or prohibit gambling, gaming houses, houses of ill fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize fighting, cock fighting, and anything else hurtful to the good order and morals of society, and all misdemeanors as defined by the code of Alabama, and all gambling implements and devices of any kind shall be subject to seizure and forfeiture under such lawful rules and regulations as the board may prescribe, when said implements and devices are brought to Demopolis, or made, or kept, or found in the city to be used for gaming purposes.

Gaming.

7. To appoint and regulate day and night watchmen, police, patrol and captain thereof.

Police.

8. To divide the city into wards, and to regulate and to change the same.

9. To establish, regulate and control markets, market houses, and to pass by-laws for the sale of meats, vegetables and other like articles within certain places and within certain houses.

Markets.

10. To sink, repair and regulate fire plugs and public hydrants, and to make all needful provisions to supply the

Water and lights.

city with water, gas and gas lights and electric lights, and to control street lamps.

11. To open all streets and alleys as laid down on the map of said city, and to open and locate streets and alleys in any addition to said city, or in any part of said city where the same are not shown on the map, and to regulate such streets and alleys, or any part or parts thereof, to establish avenues, pavements and sidewalks, and curb and grade them and regulate the same. Streets and alleys.

12. To establish and build drains and sewers, aqueducts and reservoirs, and to regulate the same. The board may extend drains and sewers beyond the city limits when necessary. Sewers.

13. To establish, lay out, regulate and locate public parks.

14. To establish, or regulate, or change fire limits within said city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove any wooden building or structure, paying the owner a reasonable price therefor; to require all owners of theaters, opera houses and all other houses where the public assemble in mass to provide such houses with fire escapes and suitable exits. Fire protection

15. To compel all male citizens of said city, between the ages of eighteen years and forty-five years, to work the streets of said city for not more than ten days in any year, and to provide for the payment of a street tax in lieu of said working, not to exceed three dollars per annum; and to pass all ordinances necessary to carry this provision into effect; and the citizens of Demopolis shall be exempt from public road duty. Street work.

16. To lay out, regulate and control the city cemetery, burial grounds, and to sell burial lots in the same. Cemetery.

17. To prevent the running at large on the streets of all dogs, cows, hogs, horses or other animals, and to pass all laws in the judgment of the board necessary for the impounding and sale of animals on proper notice to owners thereof. Loose animals

18. To regulate and control running of cars on or across the streets, avenues or alleys of said city, and to control the speed of such cars and locomotives in said city. Cars.

19. To pass all necessary and proper laws for the arrest, with or without a warrant, of all offenders against the city ordinances or state laws, and to confine such persons until tried, convicted, or discharged by law.

Offenders.

20. To pass all laws and ordinances in relation to auctioneers plying their vocation on the streets, and to prohibit or regulate the same, and to regulate pawn brokers.

Auctioneers.

21. To make and ordain necessary laws concerning idlers, tramps, paupers, prostitutes, gamblers, disorderly or vicious persons, in correcting or restraining their vicious or immoral habits, and to compel such persons to give bond and security, to be approved by the mayor, for their good behavior for a reasonable time, or upon their failure or refusal to give such bond and security, for their condemnation to hard labor for the city, or imprisonment for a limited time, not exceeding thirty days.

Vagrants.

22. To punish all persons who obstruct the marshal or other officers in the arrest of any person in said city, or in the lawful discharge of any duty in said city, and to punish all persons who, when called upon to aid any person, fail or refuse to give such aid.

Obstructing Officers.

23. Said board may establish necessary inspection, fix and regulate the size of bread, and provide for the weighing and measuring of all kinds of produce for man or beasts, and regulate the same.

Inspectors.

24. To regulate and control the manner of building partition walls and fences, and regulate the fences. keeping and storage of gunpowder or other dangerous material, guano or other commercial fertilizer within said city; to regulate and control the sweeping of chimneys, the use of lights, stove pipes and flues in all shops, stores, kitchens and other places; to cause the removal or pulling down of houses; to prevent the spreading of fire and to extinguish the same.

Walls and fences.

25. To compel owners or tenants of property to keep sidewalks in front of such property clean, and to compel the owners of property to keep sidewalks in front of such property in repair at their own expense, and to

Side-walks.

prescribe the kind of pavement to be laid on said sidewalks, and to compel the laying of the kind of pavement prescribed on the sidewalks of said city. The expense of laying pavement on the sidewalks of said city shall be taxed as follows: In the business part of the city the entire expense shall be borne by the owner of the adjacent property, and the board shall have the right to designate what is the business part of the city. Provided, The business part of the city shall not extend beyond the fire limits; and in the residence part of the city one-half the expense shall be borne by the adjacent property owner and one-half by the city; and to lay sidewalks of such material as the board sees fit. When the owner of the adjacent property fails or refuses, after ten days' written notice, to lay the prescribed sidewalk, and tax the expense of laying the same as hereinbefore provided, which tax shall have the lien of and be enforced and collected like other taxes.

26. To supply the city with pure water, and to build drains and sewers; and to supply the city with water, the corporate authorities may exercise the right of eminent domain outside of the limits of the city when necessary. Water.

27. To grant the right of way through, over and across and along the streets, avenues and squares of said city for the purpose of street or other railroads, telephone, telegraph and electric light companies, and for laying pipes of gas and water companies. Rights of way.

28. To have and evercise full police powers in said city; to prevent crime and arrest offenders; to protect the rights of persons and property; to preserve the public peace, and for this purpose may demand the assistance of the sheriff of Marengo county, and all volunteer military companies in said city whenever the mayor and board may deem the same necessary. Police powers.

29. To punish injuries to the streets, sidewalks and trees and to private and city property.

30. To license, tax and regulate auctioneers, grocers, merchants, retailers, lawyers, brokers, coffee houses, confectioners, bankers, butchers, peddlers, taverns, den- Licenses and taxes.

tists, livery stable keepers, physicians and all other privileges carried on within the corporate limits of said city, and within the territory covered by the police power and jurisdiction hereinafter conferred; and also to license, tax and regulate machinery, carriages, carts, omnibuses, wagons, drays and all other vehicles within the corporate limits of said city, and within the territory covered by the police power and jurisdiction hereinafter conferred. Provided, That no license shall be exacted from any mechanic who employs no capital, but conducts his trade solely by his own skill and attention, without the aid of employees; and provided further, that the maximum amount of license so imposed upon any business, trade or profession shall not exceed the following:

1. Architects or superintendents of buildings, ten dollars.

2. Auctioneers, each, twenty-five dollars.

3. Bakers, when baking is principal business, each, ten dollars.

Licenses. 4. Banks and bank agents and dealers in exchange, one hundred dollars.

5. Bill posters, each five dollars.

6. Billiard or pool tables, each, twenty dollars.

7. Bowling alleys, each twenty dollars.

8. Buggies, wagons or carriages, not manufactured in the city, dealers in, twenty-five dollars.

9. Building and loan associations, each twenty dollars.

10. Brick yards or dealers in brick, ten dollars.

11. Brewers or breweries, or agents for same, each twenty-five dollars.

12. Cane, knife board, striking machine, or device of like kind, each twenty-five dollars.

13. Candy manufacturers, each ten dollars.

14. Cabinet makers, or proprietors of wood or blacksmith shops, employing labor, each ten dollars.

15. Carts, drays or wagons, two horses, each fifteen dollars; one horse, seven dollars and fifty cents, ($7.50.)

16. Civil engineers or surveyors, each member of firm, ten dollars.

17. Circus, each performance or parade on the streets, Provided, that no more than seventy-five cents for adults and fifty cents for children under ten years of age shall be charged; and Provided further, that they shall have tickets on sale at least one hour before the performance begins; and provided further, that not more than twenty-five cents extra shall be charged for reserved seats, one hundred dollars.

18. Confectioners, each person or firm where confectionery is the principle stock in trade, ten dollars.

19. Contractors, each person or firm employing one or more journeymen, or sub-letting contracts, twenty-five dollars.

20. Cotton buyers or brokers, not including merchants who pay merchandise tax, ten dollars for each member of a firm or individual.

21. Commission merchants or brokers, whether by sample or otherwise, (except commercial travellers,) ten dollars.

22. Concert, musical entertainments not otherwise provided for, or when charges are made for admission, or for the use of any instrument or device, or for the participation in any exercise or entertainment not given for charitable, religious, or school purposes, each performance five dollars.

23. Coal dealers, including those who buy or haul coal into the city for sale, or where dealers have separate yards, license to be taken out for each yard, ten dollars.

24. Cotton gins, dealers in and agents for the same, ten dollars.

25. Dancing masters, each, five dollars.

26. Druggists and apothecaries, each person or firm, ten dollars.

27. Dye houses, each five dollars.

28. Drover or dealer in horses and mules, other than livery men, twenty-five dollars.

29. Exhibitions of legerdemain or slight of hand, or other exhibition of like kind, ten dollars.

30. Express companies, engaged in the business of carrying express matter from Demopolis to other points

in Alabama, and from other points in Alabama to Demopolis, each fifty dollars.

31. Dealers in commercial fertilizers, twenty dollars.

32. Dealers in fireworks or pyrotechnics, five dollars.

33. Gun shops or gun repair shops, each five dollars.

34. Gas companies or other light companies, each one hundred dollars.

35. Hacks, omnibuses or coaches, two horses, run by individuals, by the hour or day, each twenty-five dollars; one horse, each fifteen dollars.

36. Hucksters and basket peddlers, each, provided they shall not sell within fifty feet of regular stands, ten dollars.

38. Hotels over forty rooms, forty dollars.

38. Hotels over twenty-five and less than forty rooms, twenty dollars.

39. Hotels less than twenty-five rooms, ten dollars.

40. Intelligence or employment offices, each twenty-five dollars.

41. Ice factories or agents or the same, each twenty-five dollars.

42. Ice dealers, without wagons or carts, each ten dollars.

43. Ice dealers, with wagons or carts, for each wagon or cart, ten dollars.

44. Insurance agents, life or fire, for each person or firm, ten dollars.

45. Itinerant traders, by sample or otherwise, ten dollars

46. Itinerant traders in fruit trees, vines, shrubs or plants of any kind, twenty-five dollars.

47. Junk dealers or dealers in hides, when principal stock in trade, ten dollars.

48. Job printing office, when run by steam, water or other motive power, twenty dollars.

49. Job printing by hand, ten dollars.

50. Lunch stand, not in connection with restaurant or bar room, two and 50-100 dollars, and the board shall have power to regulate and locate the same.

51. Lawyers, physicians and dentists, practicing within the corporate limits of the city of Demopolis, ten dollars.

52. Laundry, or agent for laundry, each ten dollars.

53. Lightning rod agents, each fifty dollars.

54. Livery or sale stables, each thirty dollars.

55. Loan associations or companies, or agents of the same, each ten dollars.

56. Lumber yards or dealers in lumber, each twenty dollars.

57. Liquor, retail dealers in vinous, spirituous and malt liquors, when the business is conducted under one roof, and without a partition dividing the saloon into two apartments, one thousand dollars; if the saloon be divided by a partition into two apartments, each apartment shall be considered a separate saloon, and be charged for as such.

58. Wholesale dealers in vinous, spirituous and malt liquors, each five hundred dollars.

59 Wholesale dealers in malt liquors, each forty dollars.

60. Machinery or agricultural implements, when principal stock in trade, each dealer twenty dollars.

61. Marble yards or agents of marble dealers, each ten dollars.

62. Merchant tailors or agents of the same, each ten dollars.

63. Millinery establishments, each ten dollars.

64. Mills, each person or firm operating a grist mill or flour mill, ten dollars.

65. Menageries or museum in connection with a circus, twenty dollars.

66. Newspaper offices, daily, each twenty dollars.

67. Newspaper offices, weekly, each ten dollars.

68. Newspaper offices, monthly, each ten dollars.

69. News dealers, each person or firm, ten dollars.

70. Oils, each wholesale dealer or agent for the same, twenty dollars.

71. Oil mills or agents of the same, one hundred dollars.

72. Pawn brokers or pawn broker's agent, fifty dollars.

73. Peddlers on foot, each ten dollars.
74. Peddlers, one horse, each twenty dollars.
75. Peddlers, two horses, each twenty-five dollars.
76. Peddlers, basket, other than country produce, ten dollars.
77. Pistols, pistol cartridges, bowie knives, dirk knives, whether principal stock in trade or not, one hundred dollars.
78. Dealers in playing cards, five dollars.
79. Public weighers, each ten dollars.
80. Public halls, each five dollars.
81. Photograph and art galleries, or art studios, whether in tent or house, ten dollars.
82. Plumbers and gas fitters, each twenty dollars.
83. Private boarding houses each ten dollars.
84. Railroad commissary, or grub car, whether run by railroad or individuals, for each car used in selling goods within the corporate limits, one hundred dollars.
85. Each company having an office in, or running cars in or into the city, for the business of transporting freight and passengers from Demopolis to other points in Alabama, and from other points in Alabama to Demopolis, fifty dollars.
86. Real estate agents or brokers, each firm or person employed in buying or selling on commission, ten dollars, (and any person selling or renting, or offering to sell or rent for a compensation, or who advertises himself as a real estate agent, or who receives a compensation, for the sale or rental of real estate in the city, shall be deemed a real estate agent, and subject to license as such, and one sale shall be sufficient.)
87. Reporters on standing and credit of business men, twenty dollars.
88. Restaurants, oyster stands, or oyster counters, and eating houses, ten dollars.
89. Saw mills, each, twenty dollars.
90. Sewing machine companies, selling directly by agents, or dealers in sewing machines, each ten dollars.
91. Side shows, accompanying circus, menagerie or museum, ten dollars.
92. Skating rinks, each ten dollars.

93. Shooting galleries, each ten dollars.

94. Stock and bond brokers, each member of the firm, twenty-five dollars.

95. Stencil cutter, or manufacturer of, or dealer in rubber stamps, each ten dollars.

96. Telegraph companies, commercially engaged in Demopolis, and sending messages from the city of Demopolis to any point in Alabama, or from any point in Alabama to the city of Demopolis, each twenty-five dollars.

97. Telephone exchanges, each fifty dollars.

98. Tin shops and tin roofers each, ten dollars.

99. Theatre, concert or music hall, per annum fifty dollars.

100. Transient physicians or venders in patent medicines, or compounds, sold as medicines, spectacles, or eye glasses, by sample or otherwise, fifty dollars. The same when accompanied by music, one hundred dollars.

101. Undertakers, each person or firm twenty-five dollars.

102. Water companies, each one hundred dollars.

103. Ware houses, each twenty-five dollars.

104. Watch makers and jewelers, doing business for themselves ten dollars.

105. Keeping stud horses or jacks, each ten dollars.

106. Each person or firm engaged in buying or selling futures in cotton, stocks, bonds, or other commodities, or options on commission, including members of stock exchange, one hundred dollars.

107. Each stove, range, or clock company selling stoves, ranges, or clocks, either themselves, or by their agents, (Provided, this shall not apply to merchants doing a general business, who keep said articles in stock) twenty-five dollars.

108. Dealers in green meats outside of markets, per annum, ten dollars.

109. Peddlers of green meats per month, two and 50-100 dollars.

110. Each person or firm engaged in merchandising, fifty dollars.

111. To levy and collect from all persons, firms or

corporations, trading or carrying on any business, trade, or profession, by agent or otherwise, in the corporate limits of said city, and within the territory covered by the police power and jurisdiction hereinafter conferred, a license tax which shall be fixed and declared by ordinance, and a license as laid shall be issued, and the amount imposed shall be collected as may be provided by ordinance of said corporation. Provided, that in assessing this license tax, said board of mayor and council shall be governed by the amount of stock in trade carried by the person against whom said tax is assessed, and the amount of business done by any person or persons pursuing any vocation herein authorized to be licensed, and in no event exceeding the maximum herein stated.

License taxes.

112. The corporate authorities may also by ordinance impose such fines and penalties within the limitations of this act, as they may deem advisable for the doing of any business, or carrying on any trade, or exercising any privileges or practicing any profession, by any party who shall fail to take out such license as may be required by the corporate authorities; Provided, that no tax shall under any circumstances, be levied against persons selling country produce, fowls, live stock or meats of any kind, grown or raised by such persons.

Fines and penalties.

SEC. 22. Be it further enacted, That no contract shall be made or entered into by said mayor and councilmen involving any expenditure of more than one thousand dollars, without the votes of five sixths of the councilmen.

Limitations of expenditures.

SEC. 23. Be it further enacted, That the mayor and councilmen of said city shall have full power and authority to establish a system of free public schools, and to pass all laws and ordinances to regulate and control the same, and to this end, the territory within the corporate limits of the city of Demopolis is hereby declared to be a separate school district, to be known as the Demopolis School District.

Schools.

SEC. 24. Be it further enacted, That the county superintendent of education for Marengo county shall,

within twenty days after he shall have received the school fund of the county, pay over to the treasurer of the city of Demopolis the share or portion of the public school fund to which the said "Demopolis School District" may be entitled under the law, and such fund shall be used only for the support and benefit of the free public schools herein authorized and established. School funds.

SEC. 25. Be it further enacted, That the mayor and councilmen of said city, at the first regular meeting of the board held after the election and qualification of said mayor and councilmen, or as soon thereafter as practicable, and every two years thereafter, shall elect from the qualified voters of said city three school commissioners, who shall hold office till their successors are elected and qualify, and shall prescribe the duties, liabilities and powers of said school commissioners. That said school commissioners be, and they are hereby relieved from jury duty, and the street tax authorized to be levied by this act, during their term of office. School commissioners.

SEC. 26. Be it further enacted, That all funds arising under the general revenue law of the state for liquor licenses issued to parties carrying on business within the police jurisdiction and limits of said city, shall be paid over by the probate judge of Marengo county to the treasurer of said city of Demopolis, to be held and used exclusively for the maintenance and support of the public schools in said Demopolis school district; and the auditor of the state shall accept from said probate judge the receipt of said treasurer for such fund as a full and satisfactory voucher in payment of such license. License money

SEC. 27. Be it further enacted, That the mayor and councilmen of said city shall appropriate annually, for the benefit and support of the free public schools in said city, ten per cent. of the general revenue fund of said city, one-third of the amount collected from street tax, and so much of the revenue arising from licenses issued in said city as they may deem expedient. School funds.

SEC. 28. Be it further enacted, That all funds which may be received or appropriated for the support of free public schools under this act shall be apportioned Apportionment.

among all children attending school in such school district between the ages of seven and twenty-one years; but separate schools shall be provided for citizens of African descent.

Student admitted.

SEC. 29. Be it further enacted, That the said school commissioners shall have power and authority to receive into the free public schools of said school district any scholars living without the limits of said school district on such terms as may be agreed upon by them.

SEC. 30. Be it further enacted, That said mayor and councilmen shall have power and authority to use, appropriate and disburse the school fund, or any part thereof, in connection with or as supplementary to any private school or academy in said school district. Provided, That any private school or academy accepting such fund, shall for the time the same is used be under the joint control and supervision of the board of trustees of such academy and the three school commissioners hereinbefore provided for.

Private Schools.

Taxes.

SEC. 31. Be it further enacted, That the said mayor and councilmen shall have full power and authority to levy and collect taxes on all real and personal estate taxed by any act of the general assembly of this state, not to exceed one-half of one per cent. of the assessed value thereof; that the said tax upon the real and personal estate shall be laid in accordance with the assessment and valuation of said real and personal property as assessed for state taxation during the preceding year, which tax shall be laid and assessed in the manner following, to-wit: The city tax assessor, or other officer performing the duties of tax assessor, as herein before provided for, must make and enter in a book suitably ruled and substantially bound, a full and complete assessment and valuation, to be taken from the assessment book of the tax assessor for Marengo county, showing and containing all the property, as well as the owners thereof, subject to taxation in the city of Demopolis, which book, when completed, shall be lodged with the mayor or clerk of said corporation; and the said mayor and councilmen

shall assess a tax not exceeding one-half of one per cent. of the value thereof as aforesaid, and shall enter such assessment on the said book, together with the names of the persons liable to taxation, and the presiding officer of said board shall certify on the book of assessments that the same has been examined and allowed by said board, and that the amount of city tax is $———, and such certificate shall be the warrant of the tax collector of said city to proceed to collect such taxes, which book shall be delivered to the clerk of said corporation, and kept by him open to the inspection of all and every person interested therein.

SEC. 32. Be it further enacted, That said assessor shall also keep and enter in a suitable book a list, alphabetically arranged, of all persons liable to street tax in said city, and said book, together with the assessment book on property, shall be delivered by the assessor to the mayor or clerk of said city on or before the first Monday in July of each year, and said board shall examine and correct said street tax book, and when completed, the presiding officer shall certify that the same has been examined and corrected and allowed by said board, that the amount of street tax is $———, and such certificate shall be the warrant to the city tax collector to proceed to collect such taxes.

Assessment books.

SEC. 33. Be it further enacted, That on the first Monday in July of each year, or as soon thereafter as practicable, the said mayor and councilmen shall proceed to levy and assess the taxes for the current year, as provided in section 31 of this act.

SEC. 34. Be it further enacted, That after the book of assessment and street tax book have been completed as above provided, the clerk of said city of Demopolis shall enter in a book, in a concise form, the amount of tax assessed against each tax payer, showing separately the amount of taxes on real estate and personal property, and other subjects of takation, including the street taxes; and such books the clerk must turn over the city tax collector on or before the day on which taxes become due and payable.

Tax books.

SEC. 35. Be it further enacted, That the taxes levied

under this act shall have the force and effect of judgment at law, against the person assessed therewith, and for said taxes so levied and all other taxes authorized by this act, the city of Demopolis shall have a prefer-
Lien for taxes. red lien over all incumbrances and security whatever, except county and state taxes, and all taxes against the property of any person under this act, or for which such a person may become liable for the current year, shall be a lien upon the real and personal estate of such person within said city of Demopolis from the first day of January of that year, or if brought therein after that time, the lien shall attach from the time it was brought into said city.

SEC. 36. Be it further enacted, That as soon as the
Advertisements. tax collector shall receive said tax books he shall notify the public by advertisement for thirty days in some newspaper published in the city of Demopolis, or by posting the same in five public places in said city, that he is ready to receive payment of taxes.

SEC. 37. Be it further enacted, That after thirty
Collection of taxes. days have elapsed from the publication of said notice, the city tax collector shall make personal demand on delinquents, or their agents charged with the duty of paying their taxes, wherever they may be found, for their taxes, and whenever unable to find them, shall leave a written or printed notice at the place of residence or business of such taxpayer, or agent charged with the duty of paying their taxes, requiring them to come forward and pay such taxes immediately, and it shall be the duty of such delinquents forthwith to make payment of their taxes to the tax collector at his office, but no demand or notice shall be necessary to tax payers who are non-residents of the city.

SEC. 38. Be it further enacted, That the tax
Tax collector charged with taxes. collector shall be charged with, and accountable for, the whole amount of the taxes assessed for a year, and can only be discharged from such accountability by showing that the taxes unpaid could not have been collected by the means given him for their collection.

SEC. 39. Be it further enacted, That all taxes laid under this act, which are not paid at the end of ninety

days from the first publication of the notice required in this act, shall be in arrears and delinquent from that date, and after the expiration of the said ninety days, the tax collector may levy upon and seize any personal property, if there be any, and if there be none, or not sufficient personal property, then be may levy upon the real estate of such delinquent tax payer; Provided, that a failure to levy on and sell personal property for taxes, shall not vitiate the sale of real estate of such delinquent tax payer for taxes and costs of sale, and no personal property sold for taxes shall be subject to redemption, and no property shall be exempt from levy and sale for the payment of the taxes and charges lawfully incurred in their assessment and collection. Delinquent taxes.

SEC. 40. Be it further enacted, That it shall be the duty of the tax collector, whenever upon information or otherwise, he has good reason to believe that any person owing taxes, whether due or not, is about to remove, or remove his property from the city, and thereby the collection of said taxes is in danger, to make out and certify to the mayor of the city a bill against such person for the amount of such taxes due thereon; and upon the approval thereof by the mayor in writing indorsed thereon, such writs shall operate as a writ of fieri facias, which the collector is authorized to execute, and levy and sell in the same manner as sheriffs are authorized to execute such writs when issued out of the circuit court, and on the failure of the collector to act in the cases provided for in this section, he shall be liable for the taxes against such person. Execution for taxes.

SEC. 41. Be it further enacted, That when real estate is levied on for taxes, notice of the sale shall be given twenty days before the sale, in some newspaper published in Marengo county ; and the land so levied on must be described by such numbers and abbreviations as will clearly indicate the land to be sold; and the sale of such property shall take place in front of the mayor's office in Demopolis, commencing on the day indicated in the notice, and continuing from day to day until completed. Tax sales.

SEC. 42. Be it further enacted, That at all sales of property for taxes by the tax collector, he shall attend and bid off for the city of Demopolis as purchases, all

the lots and lands on which the tax collector cannot get
Land bid in. a bid from other persons, for the taxes and expenses of sale, and the city of Demopolis shall have a certificate of purchase, and be invested with all the title to the property so bought in, subject to redemption as hereinafter provided. When any real property is sold by the tax collector for non-payment of taxes, he shall give the purchaser at such sale a certificate to the following effect:

I ..... tax collector of the city of
Cerificate of Demopolis, do hereby certify that the tax for the year
sale. 18... (or the particular tax or assessment, as the case may be,) amounting in all to $....., being due and unpaid by A. B., the owner or agent thereof, I have this day sold for the payment of taxes due by said A. B., and for the collection of costs of levy and sale, to C. D., who has paid the amount of taxes due as above, the following piece, parcel or lot of land in the city of Demopolis, known and described as follows: (Here insert description.) By virtue of the power given me by law, I hereby authorize said C. D. to have and to hold the above described lands and tenements until the same shall be redeemed by law. In witness whereof I have hereto set my hand, and affixed the seal of this corporation, this the ..... day of ..... 18.....

..... Tax Collector City of Demopolis.

Said certificate shall be prima facie evidence of the regularity of all the previous proceedings, and of all the facts stated therein, and no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other than the owner, or as property of any owner unknown, or on account of any informality or irregularity whatever in the proceedings for its assessment or sale, unless the person impeaching the said sale shall show that the taxes so assessed on said property and all penalties and costs accruing on said assessments and the proceedings for sale were paid at the time of such sale. Any
Redemption. real property sold under this act may be redeemed by the owner, or any person interested therein, within two years of said sale by paying to the city of Demopolis the amount of purchase money, all subsequent taxes and costs that may have been paid by the purchaser, and interest at the rate of ten per cent. per annum, and thereupon shall receive a certificate of redemption therefor. It shall be

the duty of the city tax collector to keep in his office, in a book provided for the purpose, and properly indexed, a record of all certificates of purchase issued by him, and when real estate shall be redeemed as herein provided, it shall be such tax collector's duty to note such redemption on such record, and when the purchaser or his assignee, shall demand the money paid on such redemption, he shall pay the same to him on the surrender of the certificate of purchase; and on his failure to do so, he and his bondsmen shall be responsible to the persons entitled to such redemption money. Said tax collector shall give the person redeeming any real property, a certificate of redemption signed by him, setting forth the facts of the sale, the date of redemption, amount paid and by whom redeemed, and such certificate shall be prima facie evidence of the facts therein stated, and the collector shall make report of redemption as the corporate authorities may require. After the expiration of two years from the date of sale, the tax collector then in office shall, upon application of holders of certificates of purchase, make out a deed to each lot or parcel of land sold, and unredeemed, and deliver the same to the purchaser, or his assignee, upon return of the certificate of purchase payment of all subsequent taxes on the property, and one dollar for the deed, such deed shall be signed by the tax collector in his official capacity, and acknowledged by him before some officer authorized to take acknowledgements, and when so executed and recorded shall vest in the grantee all rights, titles and estates of former owners, free from all encumbrance made or suffered by them, except State or county taxes. Such deed shall be prima facie evidence in all courts in this State, in all controversies, and suits in relation to the rights of the grantee therein to the land conveyed, of the facts recited in such deed, of the regularity of all proceedings in assessment or sale of such property required by this act, and of the title to the grantee, his heirs and assigns. An infant or lunatic entitled to redeem lands under this act, may redeem at any time within one year after the removal of his disability.

Records of sales.

Tax deeds.

SEC. 43. Be it further enacted, That no ordinance shall become valid unless the same shall be read at least two different meetings of the board, and shall not be passed or go into effect until passed at a second reading as herein provided. Provided, that by a unanimous vote of

How ordinances passed.

all the councilmen of said city, an ordinance or resolution may be read twice at one meeting, and if then passed as is hereinbefore provided the same shall become valid as herein provided for in other ordinances and resolutions. All ordinances shall be approved by the mayor, and shall unless otherwise provided, go into effect three days after, publication in some newspaper published in Demopolis, or by posting at three or more public place in the city at the discretion of the mayor and councilmen.

SEC. 44. Be it further enacted, That the mayor shall not vote upon any motion, resolution or ordinance that may be before said council, except in case of a tie, and he shall have the power to veto any such motion resolution or ordinance, and when so vetoed by him, it shall require a two-thirds vote of all the councilmen to pass the same over said veto, and unless it receives the said two-thirds vote the said motion, resolution or ordinance shall not become valid, binding, or operative.

Mayor's veto.

SEC. 45. Be it further enacted, That the police power and jurisdiction conferred by this charter upon the corporate authorities of the city of Demopolis may be exercised and enforced within said limits, and within any territory of the county of Marengo lying within one mile of the corporate limits of said city of Demopolis.

Police powers.

SEC. 46. Be it further enacted, That the mayor and councilmen of said city of Demopolis, be, and they are hereby authorized to issue bonds of said city of Demopolis, to an amount not exceed the sum of ten thousand dollars, ($10,000.00,) or so much thereof as said board may deem necessary, for the purposes hereinafter named, in sums of one hundred dollars ($100.00) each, and payable at such time and place as said board may designate, not to exceed twenty years from the date thereof, and redeemable at the pleasure of said board of mayor and councilmen of said city, and any time after the period of ten years, with coupons attached, bearing not more than eight per centum interest per annum, and payable semi annually to bearer.

Bonds issued.

SEC. 47. Be it further enacted, That the bonds authorized to be issued under the provisions of this act, shall be signed by the mayor and counter-signed by the treasurer of said city and the seal of said city shall be affixed thereto, and the treasurer is required to keep a correct record of all the bonds issued under this act.

Style of bonds.

SEC. 48. Be it further enacted, That the mayor and councilmen of Demopolis are hereby empowered and authorized to do any and all things that may be necessary to carry out the powers hereby granted, either through themselves or by any agent or agents, duly authorized or appointed by them for that purpose, at any meeting of said board, whether at a regular or special meeting thereof, and no technical informality, irregularity, neglect, or omission in the proceedings or records of said board shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper. The bonds issued under this act shall be exempt from county and municipal taxation.

SEC. 49. Be it further enacted, That the mayor and councilmen of said city are hereby authorized and empowered to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than par (one hundred cents on the dollar), and the proceeds of said bonds shall be paid over and kept by the treasurer, and shall be used and applied to erecting water works in said city, making the necessary improvements therefor, such as boilers, tanks, steam pumps and other machinery and pipes, to convey water through said city. Such use, payment and application of said proceeds shall be under the direction and control and by authority of said board of mayor and councilmen. The treasurer of the city shall be responsible for the safe keeping of all the proceeds arising from the sales of said bonds, which may come into his hands in his official capacity, the same as for other city funds or money in his hands as treasurer; and there shall be no commissions paid said city treasurer for receiving or disbursing the funds arising from the sale of the bonds named in this act.

Proceeds of bonds.

SEC. 50. Be it further enacted, That it shall be unlawful for the said mayor and councilmen, or any member thereof, or any officer or officers of said city, to apply the proceeds of the sale of said bonds to any other purpose than hereinbefore specified, and any person so offending shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than five hundred dollars and may be imprisoned in the county jail or sentenced to hard labor for the county not more than six months, one or both, at the discretion of the jury trying the same.

Penalty for misusing money.

SEC. 51. Be it further enacted, That the mayor and councilmen shall prepare semi-annually, in the months of July and January, an itemized statement showing the receipts and disbursements of the city government, and shall publish the same in some newspaper published in Demopolis, or by posting such statement on a bulletin board at the post office in said city, for the full period of two weeks.

Statement of receipts and disbursements.

SEC. 52. Be it further enacted, That for any breach of the bonds hereinbefore provided for city officials, any tax payer may bring suit in the name of said city, or of himself for the use of said city, and the amount of recovery in such suit, after paying the expenses thereof, shall be paid into the city treasury.

Breach of bonds.

SEC. 53. Be it further enacted, That the style of ordinance of said city shall be "Be it ordained by the Mayor and Councilmen of the city of Demopolis."

SEC. 54. Be it further enacted, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved Feb. 7, 1893.

No. 141.] AN ACT [H.B. 262.

To amend section one of an act approved February 12th, 1879, entitled an act to incorporate the town of Northport.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act approved February 12, 1879, entitled an act to incorporate the town of Northport, be and the same is hereby amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That all that land in the county of Tuskaloosa included in the following boundaries, viz Commencing at the margin of the Black Warrior river, where the eastern line of the lands formerly belonging to Dempsey Williamson strikes the river, thence due north along said line to a point directly east of the southeastern corner of the Northport cemetery lot, thence due west to the southeastern corner of said cemetery lot, thence along the southern boundary of said cemetery lot to the south-

Boundaries.

western corner thereof; thence north along the western boundary of said cemetery lot the northwestern corner thereof; thence east along the northern boundary of said cemetery lot to the western margin of the street leading from the Columbus road to said cemetery lot; thence north along the western margin of said street to the Columbus road, thence west along said road to the western boundary line of William Stone's lot, thence north to Gum Spring road, thence east along said road to the Byler road, thence north up Byler road to a point opposite the academy lot; thence due east to the west side of Bridge street, thence along the west side of Bridge street to the northern boundary of J. W. Deason's lot, thence due west to the branch, thence down the branch to the river, and thence with the river to the beginning, shall be designated and known by the name of the town of Northport. Name.

Approved February 7, 1893.

No. 142.] AN ACT [H. B. 78.

To amend Section 1656 of the Code of 1886.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1656 of the Code of 1886 be amended so as to read as follows: Upon complying with the above requisition, the company shall be deemed duly organized under the name adopted in such declaration, and shall have perpetual succession, and all the rights, privileges and immunities, and liable to all the obligations of a private corporation. Such subscribers, their associates and successors, shall have full power to fill all subscriptions to the capital stock to the amount named in their written declaration, and to the amount of eight hundred thousand dollars, if they file a new declaration to that effect with the secretary of state; to purchase, build, equip, charter, own and sell vessels propelled by steam or otherwise, to navigate the Gulf of Mexico and other seas between Mobile and the ports in the declaration named, and to purchase, build, equip, charter, own and sell and run such auxiliary vessels as may be necessary; to provide fuel and other necessities, and to pur- General powers.

chase, transport and sell, or contract for the sale of, or to transport or sell upon commission any cargo, or part of a cargo, of any article of domestic export or import, and to erect, purchase, lease, hold and convey such buildings and real estate as may be necessary to the efficient management of the business of the company. The company may further adopt such by-laws for the management of its business, not inconsistent with law, as it may see fit; but no company organized hereunder shall have banking privileges or powers not necessary for managing a line of vessels carrying freight and passengers.

Approved February 7th, 1893.

No. 143.] AN ACT [H. B. 335.

To regulate the commissioners court in Marion county.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act the commissioners of Marion county shall open court at 8 o'clock a. m. and adjourn at 12 a. m., and open at 1 p. m. and adjourn at 5 p. m. each day of their court, and said court shall not sit longer than three days in any one month.

Time of opening and closing

SEC. 2. Be it further enacted, That any commissioner or probate judge violating the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than ten dollars nor more than twenty-five dollars, at the discretion of the jury.

Penalty.

SEC. 3. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 7, 1893.

No. 144.] AN ACT [H. B. 410

To authorize Morgan county to issue bonds for building a court house.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Morgan county, by and through its

court of county commissioners, is hereby authorized and empowered to borrow a sum of money not exceeding thirty thousand dollars ($30,000), for the purpose of constructing and erecting a court house for said county. May borrow money.

SEC. 2. Be it further enacted, That in payment of said sum and to carry out the power and authority granted in section one of this act, the said court of county commissioners be, and they are, hereby fully authorized to issue bonds of said county in an amount not exceeding thirty thousand dollars ($30,000), to be known and designated as "Morgan county court house bonds," with coupons attached, signed and numbered to correspond with said bonds, and show the amount of interest and when payable; said bonds to run not longer than thirty years, redeemable at the option of said county after twenty years, and to bear interest at not more than six per cent., payable semi-annually, to be issued in such form and manner as the court of county commissioners may direct, in sums not more than five thousand dollars ($5,000). May issue bonds.

SEC. 3. Be it further enacted, That said court of county commissioners shall have power and authority to do and to carry out fully the power granted in this act, either by themselves or by their agents duly by them appointed, and no technicality, informality, neglect or omission in the proceedings of the court of county commissioners, or the records thereof, shall in any way effect the validity of the bonds or coupons to be issued under this act; but said bonds and coupons shall have all the properties and protection of commercial paper. Said bonds and coupons shall be receivable for all dues to said county. Powers of court.

SEC. 4. Be it further enacted, That bonds issued under this act shall not be negotiated for less than par in cash, and the money raised by the sale and negotiation of said bonds shall be deposited with the treasurer of said county, and a separate account, to be called the court house account, to be paid out by him on warrants authorized by the commissioners court and signed by the probate judge of said county, to the contractors or laborers who do the work, and to pay for all material or other property used for work done to carry out the improvements contemplated by this Proceeds Sale of bonds.

act. Provided, That no warrants shall be drawn for labor, material, services or property under the provisions of this act until the accounts for the same shall have been presented to, duly audited and allowed by the said court of county commissioners.

SEC. 5. Be it further enacted, That the bonds issue under this act and for the purpose herein specified shall be, and the same are, hereby exempted from taxation by the county of Morgan.

Non-taxable.

SEC. 6. Be it further enacted, That the bonds and coupons issued under the provisions of this act shall be signed by the judge of probate of said county, and the principal and interest thereon shall be payable at some bank in the City of New York.

Bonds signed.

Approved February 7, 1893.

No. 145.] AN ACT [H. B. 357.

To amend Section 535 of the Code.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 535 of the Code be amended so as to read as follows: Section 535. Attendance at court house; time in which appointment must be completed. The tax collector must be present at the court house of his county for ten days preceding the first day of January of each year, except in the counties of Dallas, Jefferson, Mobile and Montgomery, in which he shall be present at the county site thirty days preceding the first day of January, from 8 o'clock in the morning until 4 o'clock in the afternoon, for the purpose of receiving taxes; and his appointments in the county must be completed in time to allow him to comply with the provisions of this section. Provided, That in Montgomery county the tax collector may fill this appointment by remaining at his office in the city of Montgomery.

Approved February 7, 1893.

No. 146.] AN ACT [H. B. 381.

To incorporate the town of Notasulga in the county of Macon.

Section 1. Be it enacted &y the General Assembly of Alabama, That the town of Notasulga in the county of Macon and state of Alabama be, and the same is, hereby incorporated, and the corporate limits of said town shall extend one-half mile in every direction from the north-west corner of Sougahatchie and Uphaupee streets, and the present and future inhabitants of said town shall be and continue a body politic and corporate under the name and style of the town of Notasulga, and under and by such name the corporate authorities and their successors may sue and be sued, either in law or equity, and may purchase and hold property both real and personal and do all acts incident to bodies corporate.

Corporate limits.

SEC. 2. Be it further enacted, That the government of said town shall be styled, Mayor and Council of Notasulga, and shall consist of a mayor and four councilmen, who shall be citizens and householders of said town and shall serve for the term of one year and until their successors are elected and qualified, and before entering upon their official duties shall take an oath to support the constitution and the oath of office therein contained.

Government.

SEC. 3. Be it further enacted, That within thirty days after the passage of this act and on the second Monday in January, 1894, and annually thereafter, an election shall be held for a mayor and four councilmen for the town of Notasulga, and every elector residing in the limits of the said corporation shall be a legal voter at said election ; Provided, that R. B. Wilkinson, W. H. Edwards and C. V. Duke, shall compose a board of inspectors to hold the first election as required by this act, who shall return the result of this election to the judge of probate of Macon county, within ten days from the time of holding said election, and said probate judge shall declare the result of said election, and issue certificates to the persons so elected.

Elections.

SEC. 4. Be it further enacted, That the mayor and council of said town shall have full power and authority to appoint a town marshal, clerk, and treasurer, and such other officers as they may see fit and deem necessary for

Subordinate officers.

the good government of said town, prescribe their duties, liabilities, fees and salaries and may require them to give bond in such sum as they may see fit for the faithful discharge of their duties, and may discharge and remove such officers at pleasure.

SEC. 5. Be it further enacted, That the mayor and councilmen of said town, shall have power to pass and enforce ordinances deemed necessary and proper.

General powers. 1st. To keep the peace and good order of said town.

2d. To prevent and remove all nuisances at the expense of the person or persons causing the same.

3d. To prohibit all vice, immorality and indecencies now punishable by law.

4th. To prohibit disorderly conduct, affrays, breaches of the peace and all violations of the criminal law within the corporate limits of said town, and generally to pass such laws and ordinances not contrary to the laws of the state of Alabama as they shall from time to time deem necessary and proper to carry into effect the meaning and intention of this act and to enforce, alter and repeal the same.

Fees and costs. 5th. They may establish a tariff of fees, to be paid the officers of the corporation, in case of the violation of any ordinance or law of the corporation by defendants, and on conviction may enforce, by proper and usual process, orders of imprisonment, etc., the collection of fines and costs, and in default of the payment of said fine and costs, may imprison or sentence to hard labor on the streets or public works of said town, for a period not exceeding thirty days.

SEC. 6. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved February 7, 1893.

No. 147.] AN ACT [H. B. 513

To prohibit the selling, giving away or otherwise dispos ing of alcoholic, vinous or malt liquors, or other intox- icating drinks or beverages or fruits preserved in alco- holic liquor within six (6) miles of Bon Secour school house, situated on the north side of Bon Secour river, in Baldwin county.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the approval of this act it shall be unlawful for any person to sell, give away or other- wise dispose of any alcoholic, vinous, or malt liquors, or other intoxicating drinks or beverages, within six (6) miles of Bon Secour school house, situated on the north side of Bon Secour river in Baldwin county. Prohibition.

SEC. 2. Be it further enacted, That any person vio- lating the provisions of section one of this act shall be guilty of a misdemeanor, and, upon conviction thereof shall be fined not less than fifty nor more than one hun- dred dollars for the first offense and for each subsequent conviction, in addition to the foregoing fine, shall be im- prisoned in the county jail for not less than one nor more than six months. Penalties.

Approved February 7,1893.

No. 148.] AN ACT [H. B. 435

To authorize the commissioners court of Calhoun county to appropriate money to assist in building a bridge across Tarapin creek in Cherokee county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the commissioners court of Calhoun county may appropriate from the funds of Calhoun county such an amount of money as in its wisdom may deem best, to be supplemented by a like or larger sum from Cherokee county, for the purpose of building a bridge across Tarapin creek in Cherokee county, Ala- bama.

Approved February 7th, 1893.

No. 149.] AN ACT [H. B. 468.

To repeal an act approved February 4th, 1889, entitled an act to establish the Belcher school district, in Barbour county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act approved February 4th, 1889, entitled an act to establish the Belcher school district in Barbour county, be and the same is hereby repealed.

Approved February 7th, 1893.

No. 150.] AN ACT [H. B. 402.

To provide for the better support and maintenance of the P Schools of DeKalb county, Alabama.

Section 1. Be it enacted by the General Assembly or Alabama, That the court of county commissioners of DeKalb county, Alabama, be, and they are hereby directed and required to levy and have collected, under the laws of this state, for the year 1893, and each year thereafter, a tax of five cents on the one hundred dollars' worth on the value of all taxable property, as assessed for revenue of the state, for the support and maintenance of public schools in said county, as hereinafter provided.

Rate of taxation.

SEC. 2. Be it further enacted, That it shall be the duty of the tax collector of said county to pay over to the county treasurer, as herein provided, all moneys collected by him, and on hand, under the provisions of this act, on the first day of January of each year, and on the first day of each month thereafter, until the same shall have all been paid.

Paid to county treasurer.

SEC. 3. Be it further enacted, That it shall be the duty of the county treasurer of said county to keep a separate account of all funds paid to him to the credit of the public schools, and it shall be unlawful for any of said public school funds to be used for, applied, or appropriated to any other use whatsoever.

Separate account.

SEC. 4. Be it further enacted, That it shall be the duty of the county superintendent of education to furnish by

the first of October of each year, to the county commissioners, the census of the school children, taken under the laws of Alabama, showing the number of children, within the school age of the several townships and separate school districts within said county. School census.

SEC. 5. Be it further enacted, That the county commissioners shall, as soon as practicable after the assessment of taxes, and the receipt of the census provided for in Section 4 of this act, in every year, determine what amount of such school fund shall be appropriated to the several townships and separate school districts in said county ; and the amount so determined shall be in exact proportion to the number of children in such township or separate school district, as shown by the last census taken of school children under the laws of this state next before such action of the county commissioners, and they shall furnish the county superintendent of education and the treasurers of incorporated towns or cities, having and maintaining public schools under special school laws, the amount of such school fund apportioned by them to the several townships, separate school districts and incorporated towns or cities, and upon such determination it shall be the duty of the county treasurer to pay the county superintendent of education the amount allowed by the commissioners' court for the several townships in said county, and to the treasurers of incorporated towns or cities within said county having a separate school district, or schools managed or controlled by such town or city authorities, the money allowed by the commissioners' court for such incorporated town or cities; such payment to be made upon the warrant of the probate judge of said county ; and money thus paid shall be used exclusively for the support and maintenance of the public schools within the respective townships and separate school districts, and for no other purpose, and under the laws of the state governing the disbursement of the school fund. Appropriation of funds. How paid out.

SEC. 6. Be it further enacted, That the county superintendent of education shall be paid, in addition to the compensation now fixed by law, such amount as the court of county commissioners may deem to be just and fair, but in no case to exceed one per cent. of all the funds disbursed by him under this act. Compensation of Sup't.

SEC. 7. Be it further enacted, That for taking the

Pay for taking census. census of school children as now provided for by the law of Alabama, the township superintend ant shall be allowed as compensation therefor, out of the fund provided for in this act, such sums as may be prescribed by the commission ers' court, and not to exceed ten dollars for any one enumeration.

SEC. 8. Be it further enacted, That the tax assessor and tax collector of said county shall respectively assess and collect said taxes without any additional compensation.

Approved Feb. 7, 1893.

No. 151.] AN ACT [H. B. 693.

To confer additional powers upon the Sloss Iron & Steel Company, a body corporate.

Section. 1. Be it enacted by the General Assembly of Alabama, That the Sloss Iron & Steel Company, a private corporation under the laws of this State in addition to the powers already possessed by it, shall have the pow-

General powers. er to acquire by lease, purchase or otherwise, and to hold and enjoy the property, real and personal, and franchises of any person or corporation, foreign or domestic, engaged in mining, quarrying, manufacturing, handling, transporting or selling, coals, dolomite, limestone, ores, iron, steel and coke, or either, in any and all forms, or any article or thing that maybe made or manufactured therefrom, or from the by-products thereof, or engaged in any business of like kind, or any property suitable for such business, and to engage in and carry on any such business; and also the property, real and personal, and franchises of any person or corporation, foreign or domestic, owning, operating or using steam boats, tow-boats, or any boats or barges for transporting or freighting its own products, or the products of others, to and from market in or out of this State, or any property suitable for such purpose, and to engage in or carry on any such business; and also to ocquire by subscription, purchase or otherwise, shares of the capital stock or bonds of any corporation of the kind, or engaged in the business in this section mentioned, and to hold, enjoy, vote and sell

the same as fully and to the same extent as any individual owner or holder of such shares or bonds may or could.

SEC. 2. Be it further enacted, That said corporation may increase its capital stock and bonded indebtedness, one or both, to such amount or amounts as the stockholders thereof, in convention duly called and assembled, may from time to time determine and declare; and said corporation, by and with the consent of the holders of the larger part in value of the capital stock of said corporation, expressed by vote at a meeting of the stockholders duly called for that purpose, may consolidate with any other corporation, foreign or domestic, which is of the kind or engaged in any busines in the preceding section of this act mentioned, upon such terms, and in such manner as to the said stockholders may seem best; but of the time and place of such meeting, and of the purpose for which it is called, thirty days notice must be given by publication for four consecutive weeks in some newspaper published in the city of Birmingham, in this State, and copies of such notice shall also be deposited in the post-office of said city, addressed to those stockholders whose residences are known to the secretary of said corporation, or shown by the books thereof. Increase of capital.

Approved Feb. 7. 1893.

No. 152.] AN ACT [H. B. 751.

To prohibit the sale, giving away or otherwise disposing of alcoholic, vinous or malt liquors in Beat 12, in Lamar county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act it shall be unlawful to give away or otherwise dispose of alcoholic, vinous or malt liquors, or other intoxicating drinks in Beat number twelve, in Lamar county, Alabama.

SEC. 2. Be it further enacted, That any person violating any of the provisions of the preceding section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than one hundred dollars, or sentenced to Penalty.

hard labor for the county for not more than six months. Provided, That nothing herein contained shall be construed as to prevent the use of wines or other liquors in private families, or the use of wines in churches for communion purposes.

SEC. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved Feb. 7, 1893.

No. 153.] AN ACT [H. B. 83

To grant additional powers to Springville Educational Institute Company.

Section 1. Be it enacted by the General Assembly of Alabama, That the Springville Educational Institute Company, a body corporate under the general laws of the State of Alabama, may, by and through its board of trustees and faculty, grant and issue diplomas and certificates of proficiency, such as they deem proper, and confer degrees on students.

Diplomas.

SEC. 2 Be it further enacted, That the faculty of said Springville Educational Institute may grant to students of said institute certificates of proficiency in all branches of study completed by said student in said institute, after having examined them in said branches as required by the school laws of the State of Alabama.

Certificates.

SEC. 3. Be it further enacted, That the school authorities may arrange with said Springville Educational Institute to carry on a public school. Provided, Said public school shall be fully under the direction of the school authorities of the county of St. Clair, and of the State of Alabama,, and shall be governed by the general school laws.

Public School.

SEC. 4. Be it further enacted, That this act shall take effect from and after its passage.

Approved February 8, 1893.

No. 154.] AN ACT [H. B. 316.

To regulate and prescribe the amount of fees to be allowed the probate judge of Fayette county for recording the proceedings of the court of county commissioners in said county.

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act that the probate judge of Fayette county shall receive as a fee for recording the proceedings of the county commissioners in said county the sum of ten cents per hundred words. Fees.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved February 8, 1893.

No. 155.] AN ACT [H. B. 389

To incorporate the Rescue Fire Company No. 1, of Talladega.

SECTION 1. Be it enacted by the General Assembly of Alabama, That J. G. Savery, V. L. Adams, D. Gearheart, R. Robbs, J. S. Linton, James Wallis and B. F. Cogburn, their associates and successors be, and they are hereby declared a body corporate by the name and style of Rescue Fire Company No. 1, of Talladega, and by said name and style the said company may sue and be sued in any court of law or equity in this state, and may have, hold and possess goods and chattels, lands and tenements of the value of ten thousand dollars and may have and use a common seal and alter and amend the same at pleasure. Incorporated.

SEC. 2. Be it further enacted, That the said company may enact such by-laws, rules and regulations for the proper organization and government of the company as are not inconsistent with the constitution and laws of the United States and of this State, and the provisions of this act of incorporation, as they deem proper. By- laws.

SEC. 3. Be it further enacted, That the members of said company shall be exempt and are hereby exempted

from jury duty, street tax and poll tax for the city of Talladega so long as they continue to perform their duties as firemen under this act; Provided, however, there shall be no honorary or pay members of said company who shall enjoy the privileges and immunities of active members under this act, except such as have served seven consecutive years in said company without intermission, or shall have been permanently disabled in the performance of duty as firemen.

Exemptions.

SEC. 4. Be it further enacted, That it shall be the duty of the foreman or other presiding officer of said company to furnish to the sheriff of the county of Talladega, semi-annually, a true statement of the names of all the members of said company who may be at the time of making such report entitled to the immunities of this charter on oath; and it shall be the duty of said sheriff to prevent the said names from being placed on any of the jury lists for any of the courts of said county.

List of members.

SEC. 5. Be it further enacted, That whenever the said company shall cease to be effective by not keeping an apparatus for the extinguishment of fires, or by not keeping the same in good working order, or shall habitually neglect the performance of their duty as firemen, or violate the provisions of this charter; it shall be the duty of the marshal of the city of Talladega to issue notice calling on said company to appear before the mayor and aldermen of said city at their next regular meeting and show cause why their charter should not be declared forfeited and if said company should fail to appear, or appearing, should be found guilty of violating the provisions of this charter, then the said mayor and aldermen shall declare their charter forfeited.

Charter may be vacated.

SEC. 6. Be it further enacted, That at no time shall the membership of said company exceed forty.

Approved February 8, 1893.

No. 156] AN ACT [H. B. 398.

To establish Bowen School District, in Henry county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the following described territory situated

in the county of Henry shall constitue a separate school district, to be known as the Bowen School District, to-wit: Commencing where Fatty creek empties into the Choctawhatchee river, thence up said creek to where it strikes the south line of section 2, township 7, range 27, thence east along said line to the center of section 5, township 7, range 28, thence north one mile to the township line between township 7 and township 8, thence west along said line one-half mile, thence north along the line between sections 31 and 32, in township 8, range 28, one mile, thence west three-quarters of a mile along the line between sections 30 and 31, in township 8, range 28, thence north to Hayne's branch, thence west along said branch until it intersects Cowpen creek, thence down said creek to the Choctawhatchee river, thence down said river to the starting point. Boundaries.

SEC. 2. Be it further enacted, That said separate school district shall be under the supervision of three trustees appointed by the county superintendent of Henry county, with the same powers, duties and rights as other township trustees.

Approved Feb. 8, 1898.

No. 157.] AN ACT [H.B.451.

To amend section one of an act entitled an act to confirm the incorporation of the town of New Decatur, in the county of Morgan, and to enlarge and define the corporate powers of said town, approved February 13, 1889.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act to confirm the incorporation of the town of New Decatur, in the county of Morgan, and to enlarge and define the corporate powers of said town, approved February 13, 1889, be amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation of the town of New Decatur, in the county of Morgan, heretofore had in the court of probate in the said county by proceedings under the general law, be, and the same is, hereby ratified and confirmed, Charter confirmed.

and the corporate existence of said town remains and continues subject to the provisions of this act, and with all the powers herein and hereby conferred in place of the powers conferred by the general law. Provided, That the property and territory west and north of the following boundary line of said town, or between said line and the north line of the right of way of the Memphis and Charleston Railroad, shall not be within the corporate limits of the said town, to-wit: Beginning at the southwest corner of the yards of the South and North Alabama Railroad, about 150 feet northwestwardly from the cotton compress lot, thence southwestwardly about 5 blocks with the present south line of the lands of the Decatur Mineral and Land Company to the east side of Sixth avenue west; thence along the east side of said Sixth avenue west to the south side of Second street north, thence westwardly along the south side of said Second street north to the east or southeast side of the old Danville road; thence along the east or southeast side of the said old Danville road to the point where it intersects the south boundary line of the corporate limits of said town of New Decatur. Provided further. That the corporate limits of said town shall not include any part of the territory north of the north line of the right of way of the Memphis and Charleston Railroad, nor that portion of the southeast fourth of section 30, township 5, range 4 west, which belongs to Mrs. Sallie Dancey. Provided, That nothing in this act shall release or exempt any portion of the property or territory that was included in said town of New Decatur, under the act to which this is an amendment, from paying its proportionate part of any bonded indebtedness of said town now outstanding; and whenever the town authorities of New Decatur find it necessary to levy a tax to pay said bonded indebtedness, or any part thereof, pursuant to authority given them by the charter of said town, they shall levy and collect from the property of the said territory stricken from said corporation by this act its proportionate share of said tax, at the same rate that the property in the corporation is assessed, and authority is hereby given to levy and collect said tax.

Territory included.

Territory excluded.

Taxes.

Approved Feb. 8, 1893.

No. 158.] AN ACT [H. B. 475.

To authorize the court of county commissioners of Clarke county to issue bonds of said county to an amount not exeeding fifteen thousand dollars, for the purpose of building a court house and for the purpose of paying for additional grounds upon which to build said court house and for the purpose of building a jail for said county.

Section 1. Be it enacted by the General Assembly of Alabama, That in order to procure the means to build a court house, or court house and jail in the county of Clarke, State of Alabama, the court of county commissioners of said county are hereby authorized and empowered to issue bonds of said county to an amount not exceeding fifteen thousand dollars, or as much thereof as they may deem necessary for the purpose aforesaid, and payable at such time or times as said court may agree upon, not exceeding twenty years from the date of issuance, with coupons attached bearing interest at rate of not exceeding six per cent. per annum, and receivable in payment of all county taxes. Bonds.

SEC. 2. Be it further enacted, That the bonds and coupons issued under the provisions of this act may be made payable at such place as the court of county commissioners may direct, and shall be negotiable, and may be issued in such sum or sums as said court of county commissioners may deem best. When bonds payable.

SEC. 3. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall not be valid until the same have been signed by the county treasurer and counter-signed by the judge of probate and the seal of the county affixed thereto and the county treasurer is required to keep a correct account of all bonds issued and disposed of under the provisions of this act. Bonds to be signed.

SEC. 4. Be it further enacted, That the bonds issued in accordance with this act shall be exempt from county taxes in said county of Clarke.

SEC. 5. Be it further enacted, That the commissioners court of said county are hereby authorized to do any and all things authorized under the provisions of this act, which may be necessary to carry out the powers granted by this act, either through themselves or any agent, or General power of court.

agents, duly appointed by them for that purpose at any term of said court with a regular or special, or if done at a special term of said court its proceedings shall be as valid to all intents and purposes as if done at a regular term, and no technical informalities, irregularities, neglect or omission in the proceedings or records of said court shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial papers.

SEC. 6. Be it further enacted, That in order to meet
Special tax. the interest upon said bonds as it falls due, and the principal at maturity, the said court of county commissioners are hereby authorized and required, when necessary, to levy a special tax from time to time upon all properties, licenses and businesses subject to a State tax under the revenue laws of this State situated or located within the limits of said county.

Approved Feb. 8, 1893.

No. 159.] AN ACT [H. B. 489.

To establish a separate educational school district, to be known as District No. 4, in Coffee county, Alabama.

SEC. 1. Be it enacted by the General Assembly of Alabama, That a separate school, district to be known as district No. 4, in Coffee county, be, and the same is hereby established. To consist of lands known and described as follows: Bounded north by Township line between town-
Boundaries ship (3) three and (4) four, of range (29) twenty nine, on the east by the section line of section (5) five and (8) eight, on the south by south line of section (7) seven and (8) eight, on the south by south section line of section (7) seven and (8) eight, township (3) three, range (19) nineteen, east to Pea River, on west by Pea River, embracing all the territory on the east side of Pea River in township (4) four, range (19) nineteen, in Coffee county, be, and the same is hereby constituted a school district separate and apart from the remainder of the township from which the same has been taken, and shall be under the supervision of a district superintendent of education with

power to transact all matters pertaining thereto under the law.

Approved Feb. 8,1893.

No. 160.] AN ACT [H. B. 158.

To extend and enlarge the corporate limits of the city of Birmingham, in this State, so as to embrace and include the territory now embraced and included in the corporate limits of the town of Highland, a municipal corporation, and other territory, to dissolve said town of Highland, and to provide for the disposition of its property and assets, and the payment of its bonded and other indebtedness and liabilities.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the corporate limits of the city of Birmingham shall be, and the same are, hereby extended so as to include, from and after the passage of this act, the following described territory now included in and adjacent to, the present corporate limits of said city, and being in the county of Jefferson, State of Alabama, to wit:

Boundaries

Beginning at a point at which Thirty-second street extended north-westerly would intersect with Seventeenth avenue north, extended north-easterly, running thence in a south-westerly direction along and parallel with Seventeenth avenue north, extended south-westerly, to a point at which said Seventeenth avenue extended south-westerly would intersect Walker street extended north; thence south, along and parallel with Walker street, extended to a point at which Seventh street intersects Walker street; thence in a south easterly direction along and parallel with Seventh street; extended south-easterly to a point at which Seventh street so extended would intersect. Fifteenth avenue south, extended south-westerly from Fourteenth street; thence north-easterly with and parallel to said Fifteenth avenue south to the corner of Fourteenth street and said Fifteenth avenue south, being a point on the present boundary of the town of Highland. Thence with said south boundary of the town of Highland northeastwardly to the corner of said Fifteenth avenue south and Madison Lane, thence in a straight line north-east-

ward to the northwest corner of Mountain avenue and Pink street; thence northward with the west line of Pink street extended to the west line of Highland avenue; thence northward with the west line of Highland avenue to the west line of Thirty-second street; thence northward along the west line of said Thirty-second street to the point of beginning. The limits hereinabove prescribed to include the inside line of the streets and avenues herein named as boundaries.

SEC. 2. Be it further enacted, That from and after the passage of this act, the new territory herein above described and added to the present corporate limits of the city of Birmingham, and the people living within such territory shall, in all respects, be subject to and governed by the provisions of the charter of said city, and the laws amendatory thereof, and such laws as may be hereafter enacted touching the said city, as well as all laws and ordinances of said city in effect on the first day of January, 1893, or that may hereafter be enacted by the board of mayor and aldermen of Birmingham, and the people living within the said new territory, and all the property therein situated at the time of the passage of this act, shall, in all respects, be subject to assessment, licenses and taxes for the year 1893, as the people and property within the present corporate limits are now subject to such assessments, licenses and taxes, and all of said new territory lying north of the Alabama Great Southern Railroad and east of Twentieth street, extending northward, shall constitute the Seventh ward in said city; and all of the said new territory lying north of the Alabama Great Southern Railroad and west of Twentieth street, extending northward, shall constitute the Eighth ward of said city; and all of said new territory lying south of the Alabama Great Southern Railroad shall become and constitute the Sixth ward in said city; said wards may be changed as now provided in the charter of said city, after the aldermen to be selected from such wards shall qualify as such.

Government of the new territory.

Wards.

SEC. 3. Be it further enacted, That within ten days after the passage of this act, it shall be the duty of the mayor and aldermen of Birmingham to provide for the election of two aldermen from the Sixth ward, and two aldermen from the Seventh ward, and two aldermen from the Eighth ward, the same to be selected by the lawful

voters of the respective wards, the election to be conducted and held in all respects as now provided for the election of aldermen in said city by the present charter of the city of Birmingham, except that said aldermen are to be voted for only by the lawful voters of said wards respectively, and that the registration of said voters shall commence at a time to be designated by the mayor and aldermen and continue for ten days, and the election shall be held within five days after the closing of such registration. But if, for any reason, the election shall not be held at the time herein above designated, then the board shall designate another day for such election, to be held not more than ten days from the time when such election should have been held. Provided, however, That at all such subsequent elections to the one above mentioned, the aldermen of the wards above mentioned shall be elected as is now provided in the charter of the city of Birmingham.

Election of Aldermen.

Proviso

SEC. 4. Be it further enacted, That the town of Highland, the territory of which is, by the provisions of section one of this act, embraced and included within the corporate limits of the city of Birmingham, be, and the same is, hereby dissolved; that all the taxes, property, demands and assets of the said town be, and the game are, hereby transferred and assigned to the said city of Birmingham, in and under its corporate name of the mayor and aldermen of Birmingham; that all amounts owing to the said town for taxes, licenses, fines, or for any other things, shall be collected by the said city of Birmingham, and said city is hereby invested with full power and authority to collect all such amounts, and to that end all laws now governing or pertaining to said town of Highland, and all ordinances passed by said town and now in force necessary to the execution of said power, or to the exercise of such authority, are hereby continued in force until said power is fully executed and said authority fully exercised; and further, for the collection of the taxes and licenses heretofore assessed or imposed by said town, and now unpaid, the corporation of the mayor and aldermen of Birmingham be, and it is, hereby invested with the same powers, authority and remedies as are now conferred upon it by its charter and ordinances, for the collection of the taxes and licenses assessed or imposed by the said city; that the bonded and

Jurisdiction of Birmingham.

other indebtedness and liabilities, principal and interest, of the said town of Highland, shall be assessed and paid by the said corporation of the mayor and aldermen of Birmingham, according to the tenor and effect of said bonds, and the contracts for other indebtedness and of said liabilities; and the said mayor and aldermen of Birmingham are hereby charged with the duty and are hereby invested with the power and authority to pay the bonded and other indebtedness and liabilities of said town, principal and interest, as fully and in the same manner as if said indebtedness and liability had been contracted or created by the said mayor and aldermen of Birmingham.

SEC. 5. Be it further enacted, That said board of mayor and aldermen shall not have the power to open or cause to be opened any streets, avenues or alleys through or over the property of the rolling mills, furnaces, iron works and other works of like character, now in said annexed territory, and on which are now located the improvements of such rolling mills, furnaces, iron works and other works of like character, now being operated by parties whose business may require more than half a block for their uses. Provided, That nothing herein contained shall prevent the opening of streets, avenues, alleys or roads over or across railroads, horse cars or electric lines, as now provided by law.

Opening streets and alleys.

SEC. 6. Be it further enacted, That all laws and parts of laws in conflict with the provisions be, and the same are, hereby repealed.

Approved February 8, 1893.

No. 161.] AN ACT [H.B.805.

To confirm the incorporation and organization of the Capital City Insurance Company, and to declare and define the powers of the same.,

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organization of the Capital City Insurance Company, heretofore had under the general laws of this state, by and under proceedings had in the probate court of Montgomery county, be, and the same is, hereby in all things confirmed.

Confirmed.

SEC. 2. Be it further enacted, That such corporation shall have and possess all the rights, powers, franchises, privileges and immunities conferred on such private corporation, and all general laws applicable to such private corporations shall be and are hereby made applicable to the said corporation, the Capital City Insurance Company. Rights and powers.

SEC. 3. Be it further enacted, That said corporation is hereby vested with the rights to sue and be sued, to have a common seal, and to alter the same at pleasure, to hold, purchase, dispose of and convey real and personal property; to appoint such officers and agents as the business of the corporation may require; to prescribe their duties and fix their compensation, and remove them at pleasure; to make such by-laws for the management of the property, the regulation of the affairs, the transfer of the stock of the corporation, and the creation and preservation of a lien on the shares of the stockholders for any indebtedness contracted with, or liability incurred to it, as may be deemed necessary; to carry on the business of fire or marine insurance, or fire and marine insurance combined, or either; to invest their money in real or personal property, stocks in other corporations, bonds or choses in action, and to sell the same ; to lend money, discount bills and secure the payment thereof, to buy and sell exchange, and receive and pay out deposits. Ditto.

Approved Feb. 8, 1893.

No. 162.] AN ACT [H. B. 819.

To require the Clerk of the Probate Court of Butler county to perform the duties of Clerk of the County Court of said county, and fixing his fees for such services.

SEC. 1. Be it enacted by the General Assembly of Alabama, That the clerk of the Probate Court of Butler county shall also be the clerk of the county court of said county, and shall perform all the duties required of him as clerk of said county court.

SEC. 2. Be it further enacted, That he shall receive

for such services as clerk of said county court the same fees as are allowed by law for like services to clerks of circuit courts in this state, to be taxed and collected in the same manner as the fees of clerks of circuit courts are taxed and collected.

Fees.

SEC. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed, so far as they relate to Butler county, Alabama.

Approved February 8, 1893.

No. 163.] AN ACT [H. B. 428

To incorporate the Montgomery Bridge Company.

Section 1. Be it enacted by the General Assembly of Alabama, That D. S. Troy, W. A. Gayle, C. E. Hails, C. Armstrong and such other persons as shall associate with them for that purpose, are constituted a body politic and corporate by the name of the Montgomery Bridge Company, and by that name may sue and be sued, plead and be impleaded, and make and have a common seal, and the same break, alter and renew at pleasure, and said corporation is hereby vested with all the powers and privileges of private business corporations under the general laws of this state.

Corporators.

SEC. 2. Be it further enacted, That said corporation is hereby authorized and empowered to construct, erect and keep up a wagon, foot, passenger and railroad bridge, or a bridge for any one or more of these purposes, spanning the Alabama river at such point between the city of Montgomery and the junction of the Coosa and Tallapoosa rivers as such corporation may select, such bridge to be constructed in such manner as not to obstruct or interfere with the navigation of said river, and to take and receive reasonable tolls for the use thereof by passengers and for vehicles, and for traffic, and for whatever may pass over the same, and said corporation shall have power to purchase, hold, sell, convey or otherwise acquire or dispose of real or personal or any other kind of property, to issue bonds and pledge its property for the payment

General powers and purposes.

of the same; to borrow money and to secure the same by mortgage of its property and franchises, or otherwise, and to do and perform all of the acts, matters and things necessary or expedient in carrying out the purposes for which it is incorporated. The principal place of business of said corporation shall be in the city of Montgomery, Alabama.

SEC. 3. Be it further enacted, That the capital stock of said corporation shall be such sum, not exceeding one hundred and fifty thousand dollars, as the corporators may determine, and the capital stock may be increased to such sum, not exceeding one hundred and fifty thousand dollars, as may be agreed upon by a vote of two-thirds in value of the stockholders at any annual meeting, or at any meeting called for the purpose of increasing the capital stock, of which twenty days notice has been given by publication in a newspaper published in the city of Montgomery, stating the time, place and object of such meeting. Capital stock.

SEC. 4. Be it further enacted, That the stockholders of said corporation shall only be liable for the amount by them respectively subscribed to the capital stock and no more, and shall have authority to adopt and establish such rules, by-laws, and regulations as may be deemed expedient for the management of the affairs of said corporation, not inconsistent with the constitution and laws of this state and of the United States, and may elect a board of directors, consisting of not less than three nor more than seven persons, to be determined by the corporators or by the stockholders, under the by-laws of the corporation thereafter adopted, to manage the affairs of the corporation, which board of directors shall elect a president and such other officers as may be necessary for the business of the corporation, and the corporation may, by its by-laws, regulate and define the duties of its president and other officers. Liability of stockholders. Directors and officers.

SEC. 5. Be it further enacted, That said corporation shall have the power and authority to purchase or acquire, or condemn any lands or interests therein necessary for any approach, roadway or right of way to said bridge, or for any building or structure to be used in connection therewith, such land for a roadway, right of way or approach to said bridge not to exceed Right of way.

eighty feet in width, just and full compensation for any property taken for such use having been first made to the owner of the same, and in the event said corporation fails to agree as to the value of any land or other property aforesaid, said corporation may proceed for the condemnation or acquiring of any such land or property as provided by law.

Approved Feb. 8, 1893.

No. 164.] AN ACT [H. B. 242

To amend section 9 of an act, entitled "An Act, To amend a charter for the town of Louisville, in Barbour county, approved February 20, 1889.

SECTION. 1. Be it enacted by the General Assembly Alabama, That section 9 of an act entitled "An Act to amend a charter for the town of Louisville, in Barbour county, be amended so as to read as follows: Section 9. Be it further enacted, That said town council of Louisville shall have full power and authority in said town to levy, assess and collect on all real property situated within the boundaries of said town, and on all the personal property of the inhabitants thereof, annually, a tax not exceeding one half of one per cent. on the value thereof, as assessed for State Taxation during the preceding year, and a street tax of not exceeding two dollars on each adult male inhabitant under forty five years who has resided therein three months next preceding the levy of said tax.

Levy and collect taxes.

Approved Feb. 8, 1893.

No. 165.] AN ACT [H. B. 235.

To amend section one (1) of an act entitled "An Act to regulate the duties and compensations of the Board of Revenue of Montgomery county," approved February 12th, 1891.

Section 1. Be it enacted by the General Assembly of Alabama, That the pay of the members of the board of revenue of Montgomery county shall be four dollars per diem, each, with mileage while engaged in the discharge of their duties as members of said board; Provided, that the members of said board shall not be paid for sitting more than seventy-five (75) days in each year. Pay. Proviso.

Approved Feb. 8, 1893.

No. 166.] AN ACT [H. B. 288.

To provide that the probate courts of this State be authorized to grant an order on application to said court to allow an inspection and survey of mines by adjacent land-holders, and to provide a penalty for failing or refusing to obey said order.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever the owner or lessee of any land, adjacent to other lands upon which any mine is being worked, shall have reason to believe that such mine is being so worked as to encroach upon his laud, he may, upon making affidavit to that effect, filed in the office of the probate judge of the county in which the land is situated, and upon notice to the person who owns said mine, or the manager or head agent thereof, procure an order from the judge of said probate court, to enter upon said mine, together with a competent surveyor, for the purpose of making an inspection and survey of said mine. Order of court.

SEC. 2. Be it further enacted, That any mine

owner, operator or agent provided for in section one of this act, who refuses admission into any mine owned or operated in this State, to any adjacent land-holder or
Penalty. competent engineer, to be selected by such adjacent land-holder, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding one hundred dollars, for each misdemeanor so committed.

SEC. 3. Be it further enacted, That upon the refusal of any mine owner, operator, or any agent in the employ of such mine owner, or operator, to allow
Engineer may any adjacent land-holder to enter said mine as provi-
be employed. ded for in sections one and two of this act, said adjacent land-holder may apply to the probate court of the county in which said mine is situated, and that the probate courts of this State shall have jurisdiction to grant an order upon application made by such adjacent land-holder as provided for in section one of this act, that the sheriff of the county wherein such application is pending, employ a competent engineer whose duty it shall be to enter said mine and make such survey, and file his report with the judge of probate, and such report shall be competent evidence in any court in this State.

SEC. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved Feb. 8, 1893.

No. 167.] AN ACT [H. B. 585.

To confirm the incorporation and organization of the Sheffield City Company.

Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organization
Confirmed. of the Sheffield City Company heretofore had under the general incorporation laws of the State, and by and under proceedings had in the probate court of the county of Colbert, be, and the same are in all things confirmed.

SEC. 2. Be it further enacted, That said corporation shall have all the rights, powers, franchises, privileges and immunities by the general laws of the State conferred upon private corporations organized for mining, manufacturing, or other industrial business, and all general laws applicable to such private corporations shall be, and are hereby made applicable to said corporation, except as herein may be otherwise provided. General powers.

SEC. 3. Be it further enacted, That the rights, powers and franchises heretofore granted to the said corporation in the said proceedings and under the general incorporation laws of the State, to wit: to buy, sell, exchange, or otherwise acquire or dispose of any real estate, stocks, bonds, choses in action and other character or species of property, real, personal or mixed ; to lay off any of its lands into parcels, blocks, lots or other divisions, and to dispose of the same; to build, operate, maintain, lease, sub-lease, let or sub-let, buy, sell, or otherwise acquire or dispose of any mining, manufacturing or other industrial enterprise, or mercantile business, and to subscribe for stocks or bonds of any mining, manufacturing or other industrial enterprise or mercantile business, and to dispose of the same; to build houses and structures of any character or kind it may deem proper, and to sell, lease, rent or otherwise acquire or dispose of them, to lend its property, credit, name or endorsement to any other corporation, or to any individual or co-partnership, in any manner it may deem advisable; to construct or otherwise acquire railroads, street-railroads, pike-roads, water works, gas works, electric light works, power-works, and any other character of business, and to subscribe for bonds or stocks in any, either or all of them, and to maintain, operate and carry on any, either or all of them, and to dispose of the same in any manner it may deem advisable, to assist the corporate authorities of the city of Sheffield, in any and all works and improvements of a public or municipal character, by donations, subscription, loan or purchase or by endorsement or guarantee of any of the city bonds, obligations or securities, and to establish and endow, or aid in the Original powers conferred.

establishment or endowment of universities, colleges, schools, religious institutions, hospitals, asylums, or other charitable institutions, and to make donations of any of its property to any corporation, individual or partnership it may deem proper, as set forth in said proceedings and incorporation under the general laws of the State, be, and the same are in all things confirmed.

SEC. 4. Be it further enacted That the amount of the capital stock of the said corporation shall be two
Capital. million of dollars, to be divided into twenty thousand shares of the par value of one hundred dollars per share, as set forth in said proceedings and incorporation under the general laws of the State, be, and the same are in all things confirmed.

Approved Feb. 10, 1893.

No. 168.] AN ACT [S. B. 383.

To amend an act to establish the City Court of Anniston, approved February 25, 1889.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of said act be amended so as to read as follows: Section 1. That there is hereby estab-
Style of court. lished in and for the county of Calhoun an inferior court of law and equity, which shall be called the city court of Anniston, and which shall have and exercise all the jurisdiction and powers which now are or may hereafter be conferred by law on the several circuit and chancery courts of the state. When exercising the jurisdiction and powers of courts of law, said city court of Anniston shall conform to the rules of procedure and practice in the circuit courts of the state, and when exercising the powers and jurisdiction of the courts of equity it shall
Rules of practice. conform to the rules of procedure and practice in the chancery courts of the state, except when the rules, procedure and practice are changed by this act. Provided, That the presiding judge shall have the power to make and adopt such rules of practice not inconsistent with the general rules of practice and the statutes of Ala-

bama, as may be required by a proper system of city court practice, and amend the same as may be expedient; such rules shall be entered upon the minutes of said court, and the same may be changed or amended by the supreme court of the state. Provided, That the jurisdiction of said court shall be limited to and extend over that part of the territory of said county included within the following precincts of said county of Calhoun as now organized, to wit: Anniston Precinct, No. 15; Oxford Precinct, No. 13; Dearmanville Precinct, No. 17; and Maddox Precinct, No. 4; and to causes of action arising within said designated limits, whether the parties reside therein or not. Limits of jurisdiction.

SECTION 2. Be it further enacted, That section four of said act be amended so as to read as follows: Section 4. That the clerk for the said city court of Anniston shall be appointed by the judge thereof, who shall hold his office during the term of the judge appointing him, unless sooner removed. Such clerk may be removed by said judge for causes specified in the order removing him, and also for such causes and in such manner as is or may be provided by law for the removal of the clerks of the circuit courts under Section 3, of Article VII (7) of the constitution. Before entering upon the duties of his office, such clerk shall give bond and security, to be fixed and approved by the judge of said court, in a sum not less than ten thousand dollars, which must be payable, conditioned and recorded as required by law for bonds of clerks of circuit courts. The judge of this court may, when he deems it necesaary, order the clerk to give an additional bond in such sum as said judge deems necessary, and upon failure to do so for twenty days after such order, said clerk may be removed by the judge. Such clerk shall have all the powers and perform all the duties which may be lawfully exercised and performed by the clerks of circuit courts and registers in chancery in this state; and the clerk of this court shall have power to grant all orders and do all things while the court is in session that clerks and registers may grant and do in vacation; his fees shall be the same as those allowed by law in like cases to clerks and registers, and he shall be subject to the same liabilities and penalties in like eases provided by law for such clerks and registers. He shall reside in the city of Anniston during his continuance in

Clerk.

Bond of clerk.

Powers and duties of clerk.

office. Said court shall adopt and beep a seal, which shall be in the custody of said clerk.

SEC. 3. Be it further enacted, That section five of said act be amended so as to read as follows: Section 5. That said court shall be held and the office of the clerk and the records thereof shall be kept in such place in the city of Anniston as may be provided by the commissioners court of Calhoun county. Said court shall hold two regular terms in each year; special terms may also be held, when in the opinion of the judge of said court it shall be necessary for the proper transaction of business, of which special term twenty days' notice shall be given by publication in some newspaper published in the city of Anniston. The present term of said court shall continue until the last Saturday in June, 1893. Regular terms of said court shall be held as follows: Beginning on the second Monday in January in each year, and continuing until the last Saturday in June, and on the first Monday in October in each year and continuing until the third Saturday in December. Said court may be adjourned at any time if the business is disposed of.

Place of holding court.

Terms of court

SEC. 4. Be it further enacted, That section nine of said act be amended so as to read as follows: Section 9. That there shall be elected a solicitor for said court by a join ballot of the general assembly, whose term of office shall continue for four years, and until his successor shall be elected and qualified, which shall be done in the same manner at the end of each four years thereafter. Such solicitor shall be learned in the law, and at the time of his election shall be a citizen of the county of Calhoun, and shall so remain during the continuance of his said office; and said solicitor shall be charged with the performance of the same duties in said court, and subject to the same liabilities and penalties in respect thereto as by law are imposed upon circuit solicitors in like cases in the circuit courts of the state; and said solicitor shall receive for his compensation for such services the same fees as are taxed by law for solicitors in criminal cases in the circuit courts of the state, to be taxed and collected in said city court in the same manner as such fees are taxed and collected in said circuit courts. Provided, however, That the total fees paid said solicitor shall not exceed two thousand dollars per annum, and the balance collected over and above said amount of two thousand dollars shall

Solicitor.

Salary of solicitor.

be paid to the county treasurer of Calhoun county, and by him placed to the credit of the fine and forfeiture fund of the Anniston city court, hereinafter provided for; that the solicitor of said court shall have a claim against the fine and forfeiture fund of said city court for his fees in cases where convictions are had and fees cannot be collected. Provided, That he shall have such claims only in case the aggregate amount of salary in fees received by him for any one year shall fall below two thousand dollars, and for the purpose of making up the deficit in his salary to him, which shall be paid as other claims against said fund. Provided further, That the solicitor recently elected for said court by the present general assembly shall serve out the term for which he was elected, and shall discharge the duties and receive the compensation provided therein.

SEC. 5. Be it further enacted, That Section 10 of said act be amended so as to read as follows : Section 10. That there shall be two jury terms in said court each year; one to commence on the first Monday in November, and the other to commence on the first Monday in March, and said jury terms may continue until the business of the court on the jury dockets shall have been disposed of, not to succeed, however, five weeks at any ore jury term, and that grand jurors and petit jurors for the trial of causes in said court shall be drawn, summoned and empanelled in the same manner as is here now provided, or may hereafter be provided by law for drawing, summoning and empanelling jurors for the circuit courts of Calhoun county, and venires for such jurors shall be issued ten days before the day on which said jurors are drawn to serve, and in the same manner as they are is sued in and for the circuit court, and said city court shall have the same power to order special venieres and summon, swear and impannel tales jurors as the circuit courts of the state ; Provided, that the judge of said city court shall have the power to direct for what weeks of the jury terms petit jurors shall be summoned; And provided further, the juries for the trial of capital cases shall be drawn, summoned and impanelled as is now or May hereinafter be provided by law for drawing, summoning and impanelling juries for the trial of capital cases in the circuit courts of the State. The challenges of Jurors shall be the same as now or hereafter may be provided

Jury terms.

Drawing juries

by law in the circuit courts of the State, and all laws applicable to jurors and juries in the circuit courts of the State shall apply equally to this court, except as otherwise provided by this act.

SEC. 6. Be it further enacted, That Section 11 of said act be amended so as to read as follows: Section 11. That in all civil cases at law in said court the issue and question, of fact shall be tried by the court without the intervention of a jury unless a jury be demanded by the plaintiff at the commencement of the suit, or when the cause is at issue, by endorsing such demand on the summons and complaint or other original process, or by the defendant or other party at his appearance by endorsing such demand in writing on the plea, or demurrer, or other pleadings; Provided, that when a cause is transferred to said city court, the demand for a jury shall be made at the time of the application for said transfer, and a failure to demand a jury as above directed shall be deemed and held a waiver of the rights of trial by jury ; And provided further, that when a cause shall have been tried without the intervention of a jury, and a new trial granted by the court, or when the same shall have been reversed and remanded by the supreme court, that either party to the cause may demand a jury; Provided, such demand is made at the first sounding of the cause thereafter ; And provided furth r, that any party so demanding a trial by jury, shall at the time of said demand, deposit with the clerk of this court four dollars as a jury tax fee. This jury tax fee shall be taxed as other costs in the case, and if the party so demanding a jury is successful in the cause, this fee shall be refunded to him when collected by the clerk.

Civil cases.

SEC. 7. Be it further enacted, That Section 14 of said act be amended so as to read as follows: Section 14. That appeals may be taken to said city court from inferior courts of the county of Calhoun in all cases where appeals may under the law now or hereafter existing be taken from inferior courts to the circuit courts of the said county, and in the same manner; and justices of the peace of said county may bind any person over for his appearance to answer any indictment for any charge to be preferred by the grand jury of said court.

Appeals.

SEC. 8. Be it further enacted, That Section 15 of said act be amended so as to read as follows: Section 15.

That the supreme court shall have appellate and supervisory jurisdiction over said city court, and cases in law and in equity may be appealed or removed to said supreme court in the same manner and under the same rules that cases are appealed or removed from the circuit and chancery courts of the state, and the appellate and supervisory jurisdiction of the supreme court over said city court, or the judge thereof, shall be exercised in the same manner as in like cases over the circuit court or judge thereof, or over the chancery courts or chancellors, and all bills of exception shall be presented to and signed by the judge of said city court within thirty days after the trial of a cause, unless such time be extended by order of court entered in the cause, or by agreement of counsel in writing filed in the cause; and motions for new trials shall be made within thirty days after the trial of a cause.

Appeals to Supreme Court.

SEC. 9. Be it further enacted, That section sixteen of said act be amended so as to read as follows: Section 16. That the salary of the judge of said city court shall be two thousand and five hundred dollars per annum, and the same shall be paid quarterly out of the general fund of the treasury of the county of Calhoun upon the order of the said judge, and shall be a preferred claim against said fund.

Salary of judge.

SEC. 10. Be it further enacted, That section eighteen of said act be amended so as to read as follows: Section 18. That the sheriff of said county shall be in person or by deputy required to attend said court to preserve order and execute its processes, and perform such other duties in all respects as in the circuit and chancery courts of the state, and he shall furnish all such other subordinate officers as may be necessary to expedite the business of the court, the same as he is now required to do under the laws governing him as an officer of the circuit and chancery courts of the State. The said sheriff shall be required to have an office in the city of Anniston, and to appoint a deputy sheriff who shall reside in the said city of Anniston during his term of office. Said sheriff shall have all the powers, and perform all the duties, and do all things while the court is in session that sheriffs may have and do in vacation. The fees of the officers of said city court for services rendered, and the compensation of jurors and witnesses therein shall be the

Duty of sheriff.

Fees.

same as are now, or may hereafter be, allowed for such services in the circuit or chancery courts of the state, and payable in the same manner. Provided, That witnesses claim their attendance within five days from their discharge, and such officers, jurors and witnesses shall be subject to the same penalties and liabilities as when acting under the authority of the circuit or chancery courts of the state. The judge of said court shall have power to appoint a solicitor pro tempore in case of the absence or disqualification of the solicitor of said court, who, for the convictions under his prosecution, shall be entitled to the same fees as the solicitor of this court; that when a solicitor pro tempore is appointed the amount of fees collected by him shall be deducted from the salary of the regular solicitor. Provided, That the jurors and bailiffs of said city court shall be paid out of the general fund of Calhoun county, and all fees in said city court In criminal cases, due the clerk and sheriff and state witnesses, which become fine and forfeiture claims under the general laws of the state, shall be registered against the fine and forfeiture fund of the city court within the time now prescribed for registering fine and forfeiture claims from the circuit court, and shall be paid out of the said Anniston city court fine and forfeiture fund according to date and number of registration.

Solicitor pro tem.

SEC. 11. Be it further enacted, That section twenty of said act be amended so as to read as follows: Section 20. That the fines and forfeitures occurring in said city court shall be payable only in money, and shall be collected in the same manner as fines and forfeitures are now collected in the circuit courts of the state, and shall be paid to the clerk of said court, and shall be by him paid, together with the said jury tax fees, to the treasurer of Calhoun county, said jury tax fees to be placed to the credit of the general fund of the county, and the amounts arising from fines and forfeitures, together with the county's portion of the hire of convicts hereafter sentenced by said court to hard labor for the county, and received by the treasurer from the hirer, to be placed to the credit of the Anniston city court fine and forfeiture fund, and said clerk shall make such payments quarterly, commencing April 1st, 1889, and on the first Mondays in February and August, 1890, and on such days in each year thereafter the clerk of said court shall make a report

Fines and forfeitures.

Quarterly payments.

in writing, under oath, to the county treasurer, showing the number of convictions, the offense for which each was convicted, the fine or sentence assessed against each, the number of forfeitures taken, the amount of jury tax fees, and the amount of solicitor's fees taxed, together with the items and amounts collected in each case, and the disbursements of such solicitor's fees, which have accrued in said city court during the year preceding, and shall at such times pay over to the county treasurer all such moneys coming from either source above mentioned, which shall then be in his hands. That the treasurer, shall be required to open an account with the Anniston city court fine and forfeiture fund, to be kept in all respects as required by law in the cases of fine and forfeiture funds of the circuit courts of the state, and the moneys paid into the fine and forfeiture fund of the city court shall be used only for the purpose of paying claims against the fine and forfeiture fund of said city court.

Duty of treasurer.

SEC. 12. Be it further enacted, That section twenty-six of said act be amended so as to read as follows: Section 26. That all the expenses of said city court, not otherwise specially provided for hereinabove, shall be paid out of the general fund of the treasury of Calhoun county, in the same manner and on the same conditions as the expenses of the circuit court are paid.

SEC. 13. Be it further enacted, That section twenty-seven of said act be, and the same is, hereby repealed.

SEC. 14. Be it further enacted, That section twenty-eight of said act be amended so as to read as follows: Section 28. That the jury commissioners, or other persons charged with the duty of drawing jurors for Calhoun county, shall at the earliest practicable moment after the passage of this act, prepare a list of all the citizens within the jurisdiction of said court qualified to serve as jurors, and place the same in a jury box, prepared for that purpose, from which the jurors of said city court must be drawn.

Jury list.

SEC. 15. Be it further enacted, That all sales of real property made under process issuing from said city court may be made on any day in the month except Sunday, and shall be in front of the city court house in Anniston, unless otherwise provided by an order or decree of said court.

Sales of property.

SEC. 16. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved February 9, 1893.

No. 169.] AN ACT [S.B. 315

To authorize the Mayor and Council of the city of Marion to issue bonds of said city for an amount not exceeding thirty thousand dollars, bearing six per cent. interest, payable semi-annually, for the purpose of erecting or providing said city with water works.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the city of Amount. Marion be, and they are, hereby authorized to issue bonds of said city of Marion to an amount not exceeding thirty thousand dollars, or so much thereof as said board may deem necessary for the purpose hereinafter named, in sums of not less than one hundred dollars each, and not more than one thousand dollars each, and payable at such time and place as said board may designate, not exceeding twenty years from date thereof, and redeemable at the pleasure of said city at any time after the period of ten years, with coupons attached bearing six per cent. interest, and payable semi-annually to bearer.

SEC. 2. Be it further enacted, That all bonds authorized to be issued under the provisions of this act shall be Bonds signed. signed by the mayor and countersigned by the treasurer of said city, and the seal of said city shall be affixed thereto, and the said treasurer is required to keep a correct record of all bonds issued under this act.

SEC. 3. Be it further enacted, That the said mayor and council of Marion are hereby authorized and em- Power of coun- powered to do any and all things that may be necessary cil. to carry out the powers hereby granted, either through themselves or by any agent or agents duly authorized or appointed by them for that purpose, at any meeting of said board, whether at a regular or special meeting thereof, and no technical informality, irregularity, neglect or omission in the proceedings or records of said board shall in any wise vitiate or amend said bonds or coupons, which

shall have all the properties and protection of commercial paper.

SEC. 4. Be it further enacted, That the mayor and council of said city are hereby empowered and authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than par (one hundred cents on the dollar), and the proceeds of said bonds shall be paid over to and kept by the treasurer of said city, and to be used and applied for the purpose of erecting water works in said city, and supplying the inhabitants of said city and the suburbs thereof with water, and erecting all necessary improvements for the construction of a first-class system of water works for said city; such use, application and payment of said proceeds to be under the direction and by authority of said board of mayor and council, and the treasurer to be responsible for the safe keeping of all proceeds arising from the sale of said bonds, which may come into his hands in his official capacity, the same as other city funds or money in his hands as treasurer, and there shall be no commissions paid said city treasurer for receiving or disbursing the funds arising from the sale of the bonds named in this act. Sale of bonds.

SEC. 5. Be it further enacted, That it shall be unlawful for the said board of mayor and council, or any member thereof, or for any of the officers of the said city of Marion to apply the proceeds of the sale of the bonds issued in pursuance of this act to any other purpose than hereinbefore specified. The bonds authorized to be issued under this act shall be exempt from county and municipal taxes.

Approved February 9th, 1893.

No. 170.] AN ACT [s. 250.

To declare inoperative an act entitled an act to change the boundary lines between the counties of Talladega and Clay, in this State, approved January 10, 1877, and to provide for the location of the line between said counties.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to change the boundary

line between the counties of Clay and Talladega, in this Act invalid. State, be, and the same is, hereby declared to be inoperative, and that the line between said counties is not changed by said act, bat the line between said counties is the same as provided for in the act forming Clay county, approved December 6th, 1866.

SEC. 3. Be it further enacted, That the probate judge of Talladega shall, within six months after the passage of this act, appoint a commission of three persons to act with a like commission from Clay county, which shall be in like manner and in the same time appointed, which commission shall locate the lines between said counties on the line provided for under the act forming Clay county, approved December 7th, 1866, and the commission shall survey, mark and establish said boundary lines between said counties, which commission shall make a report in writing to the probate judges of each of the counties aforesaid, which report shall be recorded in the probate office of each of said counties.

Survey and report.

Approved February, 9th, 1893.

No. 171.] AN ACT [H.B. 283.

To incorporate the Alabama Bryce Insane Hospital; to better provide for the management thereof; and to better regulate the admission into and the discharge of patients therefrom.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the institution for the custody and treatment of insane persons, already located in the county of Tuscaloosa, and near the city of Tuscaloosa, is a body corporate and politic, under the name and style of the Alabama Bryce Insane Hospital, and by that name may sue and be sued, may contract and be bound; may have, possess and enjoy real and personal property, and have perpetual succession; may have and use a common seal, and break or alter the same at pleasure; and for the purpose herein set forth, have all powers incident to corporations of such nature; and suits for and against said corporation shall be brought

Name and powers.

only in the appropriate courts of the county of Tuscaloosa.

SEC. 2. Be it further enacted, That the affairs of said corporation shall be managed and controlled by a board of seven trustees, four of whom shall constitute a quorum. Such trustees shall be nominated by the governor to the senate for confirmation or rejection. The governor shall fill all vacancies that shall occur in the recess of the senate, and his appointments shall hold until confirmed or rejected by the senate. Three of said trustees shall reside in the neighborhood of the hospital, and shall constitute the resident board, to manage such business of the hospital as shall be delegated and committed to them by the full board at their regular meetings. The other four members of the board shall be appointed from other parts of the State. The term of service for each trustee shall be six years. When a trustee is appointed to fill a vacancy, the appointment shall be for the unexpired term of the member of the board who has vacated the office; and the present arrangement whereby the terms of office of different trustees expire in periods of two years, shall continue. The trustees shall receive no compensation for their services, other than the amounts of their traveling expenses actually paid out while attending the meetings of the board, or while on other business of the hospital to which they have been appointed by the board. For their own government the trustees shall elect a president and secretary from their number. The board of trustees shall hold at least one regular meeting during the year. They shall determine the time when the fiscal year of the hospital shall close, and as near after that date as practicable, they shall hold an annual meeting, when they shall make a thorough inspection and examination of the hospital and its management, which session of the board shall embrace at least two days; at which session they shall adopt and transmit to the governor a full report of all the affairs of the hospital. At their meeting proceeding the session of the general assembly, the trustees shall make their report to the governor to be annual or biennial,

Trustees and officers.

Report.

as the case may be, so as to embrace all the time between the sessions of the general assembly. One thousand copies of this report the governor shall cause to be printed at the expense of the State, one half of which shall be distributed among the members of the general assembly, and the other half shall be sent to the superintendent, to be distributed at his discretion to other similar institutions, or otherwise. The board of trustees shall adopt rules and regulations, not inconsistent with the provisions of this act, for their own government, and for the government of the resident board;

Rules. and shall adopt and have printed, rules and regulations for the management of the hospital, which shall specify, as far as practicable, the duties of the different officers and employes. The trustees shall elect from outside their number a suitable person as treasurer of the hospital, and determine his salary, who shall give a good and sufficient bond, to be approved by the resident board, which bond shall amply secure all funds and other effects of the hospital placed in his hand.

SEC. 3. Be it further enacted, That for the direct control and management of the hospital, the trustees

Superintendent. shall, when necessary, elect a superintendent, and determine his salary, who shall in all his duties be their principal executive officer, and be held strictly accountable to them. Such superintendent must be a physician, who, before he assumes the duties of his office, must qualify himself to practice medicine under the existing laws of the State of Alabama. He must be of prompt business habits, and of a humane, kindly disposition. Such superintendent must be appointed for a term of not less than eight years, and must not be removed except for incompetency or unfitness, fully declared and shown, or for neglect of the trust reposed in him. Such superintendent, with the concurrence of the resident board, shall appoint all the assistant physicians, stewards, supervisors, nurses, attendants and other employes of the hospital, who are under his control and government; and shall have the power to remove them from the employ of the hospital at his discretion ; and he shall determine, with the concurrence of

the resident board, all the salaries, wages, and other compensations that shall be paid said officers and employes.

SEC. 4. Be it further enacted, That the Alabama Bryce Insane Hospital shall be maintained solely for the support, custody and treatment of insane persons; no other class of patients shall be admitted. No patient shall be received into the hospital without the proper papers, hereinafter specified, from the judge of probate of the county in which the patient resides. A person shall be considered insane, or fit to be a patient in the hospital, who exhibits, in the first place, such a degree of brain debility, or mental aberration, as to render him, (or her) constantly troublesome, or a nuisance, or dangerous to others, or dangerous to his (or her) own life or person, or dangerous to property; in the second place, this disability must not be transient like delirium in a fever, but of a more or less permanent character; in the third place, lack or loss of mental ability to properly conduct his (or her) usual work or business, shall be considered, along with aberant conduct, in determining the question of a person's insanity. Patients.

SEC. 5. Be it further enacted, That in order of admission into the hospital, when its means of accommodation are crowded, preference shall be given to recent, curable cases, over chronic or incurable. Among those to whom preference shall be last given, shall be idiots, or any who have been imbecile and weak-minded from childhood; to those, who are subject to epileptic convulsion, and to those whose temporary insanity is produced by the injurious use of alcoholic drinks or opiates. order of admission.

SEC. 6. Be it further enacted, That when a relative, friend or other citizen interested, is desirous of placing a person in the Alabama Bryce Insane Hospital as a patient, he shall apply to the judge of probate of the county in which such person resides, and the judge of probate, without delay, shall proceed to investigate the case, by examining witnesses or not, as he sees fit; and if he is reasonably convinced that the application is a Investigation by probate judge.

just one, he shall have prepared as full and explicit answers to the following list of interrogatories as is practicable, which answers he shall forward at once to the superintendent of the Alabama Bryce Insane Hospital, with an application for the admission of the person :

1st. What is the name of the person in full ? Age ? Sex? Color? Civil condition (single or married)? Where born?

2nd. Is the person idiotic? or has he (or she) been eccentric, imbecile or weak-minded since childhood?

3rd. Has the person epileptic convulsions, or fits of any kind?

4th. Can the person's insanity be attributable te the injurious use of alcoholic drinks or opiates?

5th. Will the person's expenses in the hospital be paid by the State, or by whom ?

6th. How long has the present insane condition of the person lasted, and did it begin suddenly, or gradually?

7th. Has he (or she) ever been insane before? When, and how long each time ?

8th. Has the person ever before been a patient in an insane asylum, or been confined in jail, or a poor house on that account?

9th. In what way does the person's insanity now exhibit itself?

10th. State any delusions the person may have.

llth. Is the patient easily managed at home? And what means of restraint have been used?

12th. Is the patient cleanly or filthy in habits? Does he (orshe) ever attempt self-injury or suicide? Does be (or she) ever attempt to injure others, or threaten it? Is he (or she) destructive of clothing or property ? How well does he (or she) attend to ordinary work or business ?

13th. In what other ways, than being insane, is he (orshe) sick or diseased ?

14th. What near relatives of the person are, or have been, insane? or idiotic? or epileptic? or inebriate?

SEC. 7. Be it further enacted, That on receiving

the application and the answers to the above list of interrogatories, the superintendent shall promptly forward a reply to the judge of probate, in accordance with the crowded condition of the hospital, and in accordance with the above instructions as to the order of admission of patients, whether the patient can be received or not. Reply of superintendent.

SEC. 8. Be it further enacted, That when informed by the superintendent that the person can be received as a patient into the Alabama Bryce Insane Hospital, the judge of probate shall call at least one respectable physician, the family physician of the person, if practicable, and other creditable witnesses, and investigate the facts of the case, either with or without a jury, and either with or without the presence in court of the person whose sanity is in question, according to his discretion; and if the judge, or the jury, if there be one, believe that satisfactory evidence has been adduced to show the person to be insane, the judge of probate must make certificates similar to the subjoined forms, and send the insane patient, with the certificates committing him (or her) to the Insane Hospital at Tuscaloosa. A copy of the certificate, committing the patient to the Insane Hospital, shall also be kept on file in the office of the probate court. The judge of probate can deputize the sheriff, or other officers, or a friend or friends of the patient to carry him (or her) to the hospital. All necessary expenses incurred by county officers or others in conveying indigent patients to the hospital shall be paid out of the county treasury on order of the court of county commissioners. Certificate of judge.

SEC. 9. Be it further enacted, That at the same time that the judge of probate, or the jury, as the case may be, investigates the fact of the sanity or insanity of the person, if judged insane, the judge or the jury shall also examine witnesses under oath, as to the financial standing and condition of the person, and if it appear that he (or she) has not sufficient means or estate to pay for his (or her) support in the hospital, the judge shall so state the fact in the subjoined form of the certificate, and the expenses of the patient in the Expenses of patient.

hospital shall be paid by the State in the manner hereinafter specified. If, however, it appear that the patient in his own estate, or his parents, if a minor, is possessed of sufficient means, or if his relatives or friends are willing to provide for his support, the judge of probate shall state the fact in the certificate that he (or she) will be a paying patient, and the judge of probate shall contract with the responsible parties, in the form specified, for the quarterly payment in advance of the amount charged under the direction of the resident board of trustees for the ordinary support and treatment of patients in the hospital. If, however, the patients, guardians or friends of the patient wish to pay for extra attention, diet, or treatment for the patient, the superintendent is authorized to furnish the same, in so far as the keeping of such paying patients does not interfere with or disturb the general management or discipline of the institution.

Form of certificates:— I, (A. B.) judge of probate of the county of ..... and the State of Alabama, do hereby certify that it having been alleged to me that (C. D.), a resident of said county, is insane, and that his (or her) own, and the public welfare, demand that he (or she) be sent for custody and treatment to the Alabama Bryce Insane Hospital, pursuant to the act of the General Assembly made and provided in such cases, I have called before me the following creditable witnesses (state their names), and Dr. ..... a reputable physician, practicing medicine in this State, and having examined them under oath and fully investigated the facts of the case, with the said (C. D.) present in court, (or not, as the case maybe), and having considered it necessary to call a jury (or not, as the case may be), I do hereby certify that sufficient proof has been adduced before me (or the jury) to satisfactorily show said (C. D.) to be insane, and that he (or she) ought to be committed to the Alabama Bryce Insane Hospital for safe keeping and treatment.

Certificate.

I further certify that the following creditable witnesses (stating their names) have been examined as to

the financial condition of said (C. D.), and that satisfactory proof has been adduced to show that he (or she) has (or has not) sufficient means to pay his (or her) expenses in the Alabama Bryce Insane Hospital; and I therefore commit him (or her) to that institution as a paying (or indigent) patient.

Given under my hand at ..... in the county and State aforesaid, this ..... day of ..... in the year of .....

A. B,
Judge of Probate.

Bond of paying patients. If the finding of the judge of probate, or the jury, if there be one, be that the patient is financially able to pay his or her expenses in the hospital, the judge of probate shall cause the following bond to be made by at least two solvent and responsible parties, which bond shall be sent, together with the certificates of insanity, to the superintendent of the hospital, to wit:— Bond.

Know all men by these presents that we,..... and ..... of the county of.... ...., in the State of Alabama, are held and firmly bound unto the Alabama Bryce Insane Hospital in the penal sum of three hundred dollars, for the payment of which we hereby bind ourselves, jointly and severally.

Sealed with our seals, and dated this ..... of .....A.D.,.....

The conditions of the above obligation are as follows: Whereas (C. D.) of the county of ..... State of Alabama, is about to be admitted as a paying patient into the Alabama Bryce Insane Hospital; now, if while he shall remain therein, the undersigned shall constantly supply him with suitable clothing, and pay all charges of said hospital against him quarterly in advance; and whenever his removal shall be required, immediately remove him; and if he shall escape from said hospital, pay all reasonable charges incurred in restoring him; and if he die therein, pay all reasonable expenses incurred for his funeral; and in case of failure to perform promptly and faithfully any of the above conditions, pay all losses that accrue to said hospital

by litigation, collectors' fees, or otherwise, then this obligation shall be void; otherwise to remain in full force.

Witness our hands and seals this ..... day of ..... A. D.,-

E. F. (Seal)
G. H. (Seal)

I hereby certify that in my opinion the obligors in the above bond have executed the same in good faith, and that the amount of the penalty specified therein, can be recovered from them by due process of law. In witness whereof, I have hereunto set my hand, at .... this ..... day of ..... A. D.,....

A. B.,
Judge of Probate of ..... county,
and State of Alabama.

SEC. 10. Be it further enacted, That in any case in which satisfactory evidence is adduced before the judge of probate that (C. D.), a paying patient in the Alabama Bryce Insane Hospital, has, since admission, and since his last advanced payment of quarterly dues, become indigent in circumstances, so that he can no longer pay the ordinary charges of the hospital for his support, the judge of probate can relieve his bondsmen, and shall at once notify the superintendent of the fact, who, at the end of the current quarter, will transfer his name from the list of paying patients to the list of indigent patients, whose expenses are paid by the State; provided, however, that the appeal to the judge and the notice to the superintendent shall both have been made before the close of a quarter for which payment has been made.

When bonds-men relieved.

SEC. 11. Be it further enacted, That if in any case in which a person who has been admitted into the hospital as an indigent patient, it shall be brought to the attention of the probate judge of the county from which the patient was sent, that said patient has since admission become possessed of means sufficient to pay for his (or her) support in the hospital, the judge shall at once investigate the case, and if he find the facts to be as stated, he shall, upon penalty of having the patient returned by the superintendent to the care of his (or

When bond may be required.

her) friends, or relatives, cause to be made a bond for the support of the patient as hereinbefore specified. Friends or relatives can have any patient transferred from the indigent to the paying class upon paying into the hands of the steward of the hospital the charges for three months in advance, and giving bond for the continued payment of the same.

SEC. 12. Be it further enacted, That the superintendent, under such regulations as the board of trustees may adopt, shall discharge from the hospital all patients who have entirely recoverd from their insanity. Discharges.

SEC. 13. Be it further enacted, That the superintendent of the hospital shall have the authority, if he think it will benefit the patient, to furlough any patient at the request of his (or her) friends or relatives, for a period not exceeding six months; provided, the furlough shall be granted only by request of friends, who shall pay all the traveling expenses of the patient from and back to the hospital, and send some person to accompany the patient on the way from and back to the hospital, if thought best by the superintendent; and if, at the expiration of three months, the patient has not been returned to the hospital, or an application has not been made for an extension of the furlough, his (or her) name shall be transferred from the furloughed to the discharged list; and readmission cannot be obtained without a certificate from the judge of probate of the county in which the person resides, in the same manner as if the person had never been a patient of the hospital. Furloughs.

SEC. 14. Be it further enacted, That the resident board of trustees shall have the authority, with or without the concurrence of the superintendent, to discharge any patient from the hospital at any time; and admission shall be granted to any trustee at any time into any of the wards or departments of the hospital, and free access granted by the superintendent to a trustee to any of its books and records. Discharge of trustees.

SEC. 15. Be it further enacted, That a sum, regulated by the board of trustees, not exceeding three dollars per week, for each indigent and criminal patient, shall be paid by the state for the support of the hospital, on the last days of March, June, September and December Hospital fund.

of each year; and that the auditor of public accounts shall issue his warrant for that amount, on the order of the treasurer of the hospital, countersigned by the superintendent; and any balance remaining in the hands of the treasurer or steward on the 30th day of September of each year, shall be placed to the credit of a fund which shall be expended for permanent improvements, under the direction of the resident board of trustees.

SEC. 16. Be it further ena ted, That when a patient shall have been restored to normal mental condition sufficiently long to warrant the opinion on the part of the superintendent that said patient has recovered, the superintendent shall inform the friends or relatives of his (or her) recovery; and if the friends or relatives do not furnish the means to pay the necessary traveling expenses home, the superintendent shall notify the probate judge of the county from which the patient was sent of the fact, and the county commissioners of said county shall pay the reasonable and actual expenses of such removal out of the treasury of said county.

Expenses of removal of patients.

SEC. 17. Be it further enacted, That when any person shall be brought as a patient to the Alabama Bryce Insane Hospital without the proper certificates from the judge of probate of the county in which he (or she) resides, it shall be the duty of the judge of probate of the county of Tuscaloosa to examine such person as to his (or her) insanity and pecuniary ability, and give the proper certificates of admission; and it shall be the duty of the superintendent to record the patient as coming from the county in which he (or she) resides, and to notify the judge of probate of that county of the facts in the case; and said patient shall be under the control of the probate court of said county as to the payment of traveling expenses and other matters as hereinbefore provided.

Patients brought without certificate

SEC. 18. Be it further enacted, That no part of this act shall be so construed as to repeal or conflict with any existing acts, statutes or laws relating to the commitment, control or discharge of patients in the Alabama Bryce Insane Hospital, who are under sentence, arrest or indictment for crimes committed in this State.

Former acts not repealed.

SEC. 19. Be it further enacted, That the superintendent and all other regular employes of the Alabama. Bryce Insane Hospital shall be exempt from militia ser-

Exemptions of Employes of hospital.

vice, from liability to work on the public roads, and from serving on juries.

SEC. 20. Be it further enacted, That the superintendent of the Alabama Bryce Insane Hospital shall have authority to appoint or employ one or more suitable persons to act as police officers to keep off intruders, and prevent trespasses upon and damage to the property of the hospital. Such persons shall be charged with all the duties and invested with all the powers of police officers, and may eject trespassers from the hospital buildings and grounds, and may, without warrant, arrest persons guilty of disorderly conduct, or of trespass on the property of the institution, and carry them before the nearest justice of the peace or other officer charged with the trial of such offenders, before whom, upon proper affidavit charging the offense, such person, so arrested, may be tried and convicted as in case of persons brought before him on a warrant; and such officer or officers shall have authority to summon a posse comitatus. Police.

SEC. 21. Be it further enacted, That the superintendent of said hospital shall not be compelled to attend, as a witness, to testify as an expert in any case or on any question of insanity or psychological medicine; provided, his absence from the hospital will, in his best judgment, interfere seriously with his professional duties as superintendent, and he shall so certify, in writing, to the court from which the summons is issued, within ten days after the service of the summons. But defendants in criminal cases, or the State, by consent of the defendant, and in civil cases, either party may take the deposition of said superintendent, as to all matters involving his opinion as an expert, when such testimony is admissible. Superintende't exempt from being witness

SEC. 22. Be it further enacted, That no public highway shall be allowed on or over the grounds of the hospital without the consent of the superintendent and resident board of trustees, granted by resolution to be recorded on the minutes of the meeting of the board. Public highways.

SEC. 23. Be it further enacted, That sections 1229, 1230,1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248,1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258 and 1259 of the Code of Alabama (1886) and all other laws and parts of laws in conflict with the

provisions of this act be, and the same are, hereby repealed.

Approved Feb. 9, 1893.

No. 172.] AN ACT [H. B. 212.

To repeal an act entitled an act to regulate the trials of misdemeanors in Geneva county. Approved February 18,1891.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to regulate the trials of misdemeanors in Geneva county, approved February 18, 1891, be, and the same is, hereby repealed.

SEC. 2. Be it further enacted, That all indictments heretofore transferred to said county court from the circuit court of said county, and now pending in said county court shall be re-transferred to said circuit court, and shall be there tried and disposed of in all respects as if they had not been transferred from said circuit court. All bail bonds and recognizances pertaining to indictments in said county court shall be held to apply to said circuit court, and may be there enforced to the same extent as they might have been in said county court.

Indictments transferred.

Approved February 10, 1893.

No. 173.] AN ACT [H. B. 276.

To amend the charter of the Ensly Land Company, by conferring additional powers on said company.

Section 1. Be it enacted by the General Assembly of Alabama, That in addition to the powers given to the Ensly Land Company, and declared and set forth in the proceedings for the incorporation of said company, the said corporation shall have and possess all the rights, powers, privileges, franchises and immunities by the general laws of this State conferred on private corporations organized for mining, manufacturing and other industrial purposes, and also all the rights, powers, privileges, fran-

Powers.

chises and immunities conferred by any and all general laws applicable to the said Ensly Land Company.

SEC. 2. Be it further enacted, That the said Ensly Land Company shall also have full power to lay off its lands into lots and parcels, and to lease, sell donate and convey the same; to make sales, donations or loans of its lands or other property, money or effects, to individuals or other corporations; to invest its funds or property in the capital stock of and become a stockholder in any other corporations, formed or to be formed, or in the bonds of such corporations, and to retain and dispose of such stock, in whole or in part, at pleasure. Lay off lands.

SEC. 3. Be it further enacted, That the said Ensly Land Company shall have full power to do all acts necessary to maintain and operate a system of water works for the use of the town of Ensly, and of the lands and property of said company, and to extend and enlarge the same from time to time, as it may deem necessary, drawing its water from any source of water supply without damage or injury to any person or corporation having rights in the same, to any reservoirs or pumping station; and it shall be a misdemeanor, punishable by fine or imprisonment, for any person in any way to defile or pollute the waters in any such source, water supply, canal, aqueduct or conduit used or to be used by said company, or to obstruct, or in any way damage the same, or divert the water therefrom without the permission of said Ensly Land Company, or to carry off without permission, break or injure any pipe, cock, valve, machinery or other property that may be used in connection with said water supply, or to take water from any hydrant, cock or other fixture connected with said water works without permission from said Ensly Land Company, or for any person having charge of any hydrant or water pipe connected with said water works, to allow or permit any other person to take, draw or use water from the same without permission from the said Ensly Land Company, or for any person by false key or otherwise, after the water shall have been shut off from any said premises by said company, to cause said premises to be again supplied with water from said water cocks without permission from said company. Water works

Penalty for injuring water works.

SEC. 4. Be it further enacted, That the said Ensly Land Company shall have the right, in accordance with

the statutes of this State authorizing lands to be condemned by writs of ad quod damnum, to condemn such property, rights of way or water sources as may be necessary to enable said company or corporations organized by it with its assistance to successfully construct, erect and operate such railroads, tramways, gas works, electric light works and water works as it has the power to build and operate, and a system of sanitary sewerage or drainage.

Right of way.

SEC. 5. Be it further enacted, That the said Ensly Land Company shall have authority to exercise and enjoy any and all of the purposes, powers and franchises herein conferred, either individually or by assisting other persons or corporations in the exercise of such or like purposes, powers and franchises in such manner as said company may deem desirable.

Powers exercised.

SEC. 6. Be it further enacted, That the said Ensly Land Company is authorized and empowered to consolidate and amalgamate itself with any other corporation or corporations by a two-thirds vote of the stockholders of each such corporations, and form one general company under such name and style as may be agreed upon, and to issue and apportion the stock of such consolidated corporations as may be agreed upon by said two-thirds of the stockholders in each of said corporations, and to take up, if deemed proper and best, the individual stock of each company and to replace it with the stock of the general company in such manner and amounts as may be agreed upon by said two-thirds of stockholders. Provided, That such amalgamated company shall keep an office in the State of Alabama, and thereupon such general company shall be invested with all the powers and franchises theretofore belonging to each and all of the several corporations so consolidating and amalgamating. And provided. The rights and remedies of creditors shall not be effected thereby.

May unite with other corporations.

SEC. 7. Be it further enacted, That the said Ensly Land Company, by and with the consent of the persons holding the larger amount in value of the stock thereof, given in person or by proxy at any meeting of said stockholders, duly and legally called by the board of directors of said company for that purpose, held after thirty days notice, either by advertisement

in some newspaper published in the city of Birmingham, or personal notice by mail to each stockholder of said company, stating the time, place and purpose of such meeting, shall have power and authority, which is hereby given to it, to make and issue its bonds for such sums and in such amounts, and payable at such time or times as the said stockholders may determine, which said bonds shall bear such rate of interest, not exceeding eight per cent. per annum, as the said stockholders may deem best; and to secure the payment of bonds and the interest thereon, the said corporation is hereby given power to execute a mortgage or deed of trust in its corporate name, and under its corporate seal upon the property of said corporation, including its franchises, or such part thereof as the said stockholders may determine best; said bonds and deeds of trust to be signed by the President, countersigned by the Secretary of said company and sealed with the seal of said corporation, and the said company is hereby authorized to sell, exchange, hypothecate and dispose of its said bonds for its purposes, as the directors may think best, or to pay the same for any real or personal property, rights or franchises purchased by said company on such terms as the board of directors may deem best for the company.

Bonds.

SEC. 8. Be it further enacted, That the Ensly Land Company be, and the same is, hereby authorized to reduce the amount of capital stock from the sum of ten million dollars to the sum of five hundred thousand dollars.

Reduce capital stock.

SEC. 9. Be it further enacted, That such reduction shall be made at a meeting of the stockholders of said company, called by the board of directors of said company, and held after thirty days notice, either by advertisement in some newspaper published in the city of Birmingham, or by personal notice by mail to each stockholder of said company, stating the time, place and purpose of such meeting, at which meeting the proposition so to decrease the capital stock must be adopted by the current vote of the stockholders holding among themselves not less in value than two thirds of the entire stock of the company.

How capital reduced.

SEC. 10. Be it further enacted, That a certified copy of the action of the said meeting, in so reducing the amount of its capital stock, in pursuance of the conditions of this act, certified under the seal of the corporation, attested by the signatures of its President and Secretary, shall be filed within thirty days after the date of such meeting in the office of judge of probate for the county of Jefferson in this State.

Certified copy of action of meeting.

SEC. 11. Be it further enacted, That immediately upon the filing of said certificate, the said capital stock of the Ensly Land Company, shall be reduced to said sum of five hundred thousand dollars, and all the property of value of any kind, conveyed and contributed by the original or subsequent subscribers to the capital stock of the said corporation in payment of the original subscriptions thereto, shall be held and taken as having been paid on account of such reduced capital, and shall operate as a full payment thereof and a discharge of the subscriptions originally made therefor, and the said corporation is thereupon authorized to call in and cancel the present outstanding certificates of its capital stock, and issue in lieu thereof certificates for its fully paid up stock, based on the amount to which the original capital stock of said corporation shall be reduced; Provided, That the rights and remedies of creditors of said corporation existing at the time of the reduction of such capital stock shall not be affected thereby.

Discharge of subscriptions.

SEC. 12. Be it further enacted, That the Ensly Land Company be and the same is hereby authorized to change the name of said company, and such change of name shall be made at a meeting of the stockholders of said company called by the Board of Directors of said company and held after thirty days notice, either by advertisement in some newspaper published in the city of Birmingham, or by personal notice by mail to each stockholder of said company, stating the time, place and purpose of such meeting, at which meeting the proposition so to change the name of said company must be adopted by the concurrent vote of stockholders holding among themselves a majority in value of the entire stock of the company.

Change of name.

SEC. 13. Be it further enacted, That the said Ensly Land Company shall have full power to do all acts necessary to maintain and operate a system of sanitary sewerage or drainage for the use of the town of Ensly, and of the lands and property of said company, and to extend and enlarge the same from time to time as it may deem necessary. Sanitary sewerage.

Approvad February 10, 1893.

No. 174.] AN ACT, [H. B. 481.

To provide for Guards for the Jefferson County Jail.

SECTION 1. Be it enacted by the General Assembly of Alabama, That for the better protection of the Jefferson County Jail, and to prevent escape therefrom, the sheriff is authorized to summon two guards to be in attendance at said jail, at a compensation of not exceeding two dollars per day for each guard. The compensation for such guards shall be allowed by the court of county commissioners of said county, and paid out of the county treasury, upon the affidavit of the sheriff that such guards were so summoned, and attended. Guards.

SEC. 2. Be it further enacted, That all laws and parts of laws, in conflict with the provisions of section one of this act, so far as the same applies to the county of Jefferson, be and the same are, hereby repealed.

Approved Feb. 10, 1893.

No. 175.] AN ACT [H. B. 511.

To incorporate the Carbon Valley Coal Company.

Section 1. Be it enacted by the General Assembly of Alabama, That J. H. Hayes, Howard Lamar and their associates be, and they are, hereby constituted and created a body corporate under the; name and style of the Carbon Incorporation.

Valley Coal Company, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, may borrow money and execute notes, bonds or bills therefor, and shall have and exercise all the rights, privileges, powers and franchises in and by this act hereinafter conferred and granted, and as or may be necessary to carry out and effect the purposes of its incorporation; and that said corporation may make and have a common seal, and break, alter or renew the same at pleasure, and may issue common and preferred stock.

SEC. 2. Be it further enacted, That the general purposes and object of said incorporation, and the nature of its proposed business is to mine coal, manufacture coke, quarry stone and slate, construct and operate saw mills, to sell coal, coke, stone, slate, lumber, etc., so mined, quarried or manufactured by said company; and also to do a general mining and quarrying business, and to do a general logging, timbering, saw milling and planing business; also, in connection with said business, to buy and sell coal, coke, stone, slate, timber, lumber, laths, shingles, etc.; also to have, enjoy and exercise all the powers conferred upon mining, quarrying and manufacturing corporations by chapter 5, part 2, title 1, of the Code of Alabama (Section 1557, et seq); and also to own in connection with said business a commissary or commissaries whenever found profitable or desirable so to do, and to do a general mercantile business in connection therewith if the corporation shall so desire; also to construct and operate to and from its mines, mills or other works, railways, tramways and roads, or to acquire by purchase railways, tramways and roads whereby a connection may be made to and with the principal place of business, its mines, quarries, mills or other works, and to own and operate railways, tramways or roads in connection with its business, and for the marketing of its coal, coke, stone, lumber, etc., or other mined or manufactured articles; and also to buy, own and sell, mortgage and deal generally in such real estate or personal property as may be necessary or desirable for it to buy, own, sell, mortgage or deal in, in the successful prosecution of its business; also to build houses for its officers and operatives, and the same to sell or rent; also to build houses to sell or rent to other persons; also to build houses or other structures, under contract or otherwise, for those or other persons;

General purposes.

Mercantile business.

General powers.

also to construct shafts, slopes or drifts for the purpose of mining coal; and also to erect, buy and operate all necessary buildings and machinery for the mining of said coal; also to buy or construct coke ovens for the purpose of manufacturing coke. Provided, That the said corporation, before constructing any such tramways, railways or other roads or ways, shall lawfully acquire the right of way therefor, and to that end and for that purpose may use and exercise the right of ad quod damnum, and institute and prosecute all such proceedings necessary thereto upon the same terms and in the same way as is prescribed by the laws of Alabama. Rights of way.

SEC. 3. Be it further enacted, That the business of said corporation may be carried on in any county in the State of Alabama, and that said corporation shall have its principal office or place of business in Jasper, Walker county, Alabama; and that said corporation may also have an office or place of business, with an agent or other employe, in such place or places in the State of Alabama as said corporation may find necessary or desirable, and is also authorized to constitute and continue an agency or agencies outside of this State, for the transfer of the shares of its capital stock, and to transact other business as is necessary or desirable for said corporation in the furtherance of its business interests; and to enact all by-laws necessary to provide for the transfer of such shares at such agency or agencies. Location of offices.

SEC. 4. Be it further enacted, That the capital stock of said corporation is hereby fixed at the sum of $200,000.00 (two hundred thousand;) but the said corporation, by a vote of its stockholders, shall have the right and power at any time after its organization, to increase its capital stock from time to time as by its stockholders it may be determined and deemed essential for the uses and purposes of its incorporation; Provided, that the capital stock, shall not be increased to an amount exceeding $2,000,000.00. Capital stock.

SEC. 5. Be it further enacted, That the capital stock of said corporation shall be devided into shares of the par value of $100; and in all meetings or conventions of the stockholders, each stockholder shall be entitled,

either in person or by proxy, to cast one vote for each
Voting share of stock held or owned by him, and executors or administrators shall have the power to represent the shares belonging to their testators or intestates, and guardians to represent the shares belonging to their wards.

SEC. 6. Be it further enacted, That the persons named as incorporators in the first section of this act, or a majority of them, and such person or persons as shall join and become associated with them in the premises,
Meetings. shall meet at such time and place, in the State of Alabama, as they shall designate or appoint, and at such appointed time and place, shall proceed to take and receive subscriptions to the capital stock of said corporation, payable in such manner and at such time as may be determined and agreed on by and between them and the party or parties who may desire or propose to take stock in said corporation, which business may be transacted or completed at subsequent adjourned meetings, as may be deemed necessary, if not completed at the first meeting. The subscriptions to said stock may be made payable in money or property, real or personal, as may be expressed in the contract therefor; and if made payable in property, at such value as may be agreed on by and between the subscribers; and if subscribed for before the corporation is organized, the said corporation, or a majority of them, or if taken after the corporation is organized, as may be agreed on by a majority of the stockholders. The provisions of this section shall be equally applicable to any subscription for stock made or taken upon any increase of the capital stock of said corporation after its original organization, as well as at the time of its organization, or in payment of the subscriptions for the original amount of capital stock in the fourth section of this act named.

SEC. 7. Be it further enacted, That when as much as $50.000.00 shall have been subscribed, as authorized in the last preceding section, to the capital stock of said corporation, then, at such time and place as may be determined by a majority in interest of the subscrib-

ers to said stock, there shall be a meeting of such subscribers for the purpose of organizing said corporation, by the election of a board of directors, to consist of not less than five nor more than ten members, who shall be elected from the subscribers to the stock, and thereupon the directors so elected, or a majority of them, shall elect either from their number or from the stockholders of said corporation, as they may think best, a president, and they shall also elect a secretary and treasurer of said corporation, or they may elect one person as secretary and treasurer; and the election of such directors, and by them of a president and secretary and treasurer, shall constitute the organization of said corporation. The directors, president, secretary and treasurer so elected shall continue in office until their successors are elected and shall qualify. The election of the successors of the directors to be at a subsequent convention of the stockholders, the time and place of holding which may be fixed or designated by a by-law of said corporation, which may be adopted by the board of directors, and of which time and place the stockholders shall have such notice as the board shall direct.

Meeting for organization.

SEC. 8. Be it further enacted, That said corporation, by and with the consent of the persons holding the larger amount in value of the stock thereof, given in person or by proxy, either at the meeting of said stockholders first held for the organization of said corporation, under and in accordance with section five of this act, or at any subsequent meeting of said stockholders, duly and legally called for that purpose by the board of directors, shall have the power, and authority is hereby given to it, to execute and issue its bonds for such sums and in such amounts, and payable at such time or times as the said stockholders may determine, and bearing such rate of interest, not exceeding eight per cent. per annum, as the said stockholders may deem best; and to secure the payment of the said bonds and the interest thereon, the said corporation is hereby authorized and empowered to execute in its corporate name, a mortgage or deed of trust upon all of its property and franchises, or such part thereof as the said

May issue bonds.

stockholders may deem proper, such bonds and mortgage, or deed of trust, to be signed and counter-signed by the president and secretary, under the seal of said corporation; and the said corporation is hereby authorized and empowered to sell and dispose of its said bonds for the purpose of raising money or for the purchase of property, or for any other purposes necessary to said corporation, as the directors may think best, on such terms as the said board of directors may deem best for the company.

SEC. 9. Be it further enacted, That there shall be annual meetings or conventions of the stockholders of said corporation, at the principal office thereof, or at such other place as the stockholders may prescribe, for the election of directors, and for the transaction of such other business relating to the interests of the corporation, as such stockholders, when so assembled, may deem necessary or proper. Of the time and place of holding such conventions, such notice shall be given to the stockholders as may be prescribed by by-law or otherwise, or as may be directed by the board of directors, on omission of the stockholders to prescribe; but no omission or failure to hold any such convention within the time prescribed, shall have the effect to cause a dissolution of such corporation, or the forfeiture of any of its rights, privileges, powers or franchises. It shall require a representation of as much as three-fifths of the stock held or owned in said corporation, by the stock-holders in person, or by proxy, to form a convention competent to transact business, binding on the corporation or its stock holders. After the organization of the corporation the number of the directors shall continue as provided in the seventh section or this act, until otherwise provided by said corporation, which shall have the power to increase or diminish the number as it shall seem best. A majority of the board of directors shall constitute a quorum for the transaction of any business which they are or may be authorized to transact. Said corporation, acting by its stockholders in convention, shall have power to enact or ordain all such rules and by-laws not contra-

Annual meetings.

ry to the constitution or laws of this State or of the United States, as maybe deemed needful and proper for the management and conduct of its affairs and business, and for the transfer of, stock by the stockholders.

SEC. 10. Be it further enacted, That after the organganization of said corporation, by and with the consent of the persons holding the larger amount in value of the stock first obtained at a meeting of the stockholders convened for the purpose of voting upon the proposition to be held after thirty days notice given in pursuance of law, the said corporation shall have the right to increase its capital stock, and to take and receive additional subscriptions to its capital stock, and in doing so, may, if it deem proper and advantageous, receive such additional subscriptions, payable in whole or in part in property, real or personal, or rights or franchises, as subscriptions to its original stock are payable, as provided in this act; and may take and receive such subscriptions in the same manner from either individuals or corporations, and may take and receive proper conveyance for such property in payment for such subscriptions.

Increase of capital.

Approved February 10, 1893.

No. 175 1/2.] AN ACT [H. B. 870

To establish a new charter for the city of Montgomery.

Section 1. Be it enacted by the General Assembly of Alabama, That the city of Montgomery, in the county of Montgomery and State of Alabama, shall include in its corporate limits the territory described as follows, to-wit: The whole of fractional section twelve, township sixteen, range seventeen, to the west bank of the Alabama river, and commencing at the intersection of Oak and Clayton streets, thence along said Oak street to what
Boundaries. is known as Day street, thence east along said Day street to what is now known as Mobile street, thence in a southerly direction along said Mobile street to what is now known as Grady street, thence east along the said Grady street to Plank street, thence south along said Plank street to the line dividing the property of the estate of William R. Westcott, deceased, and the property of Mehan, said line being nine hundred and ninety (990) feet south from the center line of Jeff Davis avenue, thence north eighty-five degrees east along said line to and across Goode street to what is now called Hannon street, thence along said Hannon street to the west side of the extension of South Court street, thence along said extension of South Court street two hundred and ninety-four and seventy one-hundredths (294.70) feet to the south line of the Copeland property as marked by the fence now there, the said south line being six hundred and ninety-nine (699) feet south from the center line of said Jeff Davis avenue, thence east along said south line to the west side of the extension of South Perry street, thence north along said extension of South Perry street to an extension of Jeff Davis avenue, thence east along the extension of Jeff Davis avenue to Hull street, thence north on Hull street to South street, thence east on South street to Decatur street, thence north on Decatur street to Grove street, thence east on Grove street to Bainbridge street, thence north on Bainbridge street to High street, thence east on High street to the extension of South Ripley street to the southwest corner of the property formerly owned by Ignatius Pollak, said southwest corner being six hundred and twelve (612) feet south from the center of

Adams street, thence north eighty-six degrees and thirty minutes east to what is now called Eugene street, thence east along said Eugene street to what is now called Smythe street, thence north along said Smythe street to and across what is now called Houston street to what is now called Garrison street, thence north along the center of said Garrison street to Pelham street, thence- west along said Pelham street to Hilliard street, thence along the center of Hilliard street to the extension of Jefferson street, thence east on Jefferson street to the eastern limits of the city, thence north to the northern line of said section seven (7), thence west to the Alabama river, thence following the course of said river at low water mark to the point of beginning, comprising parts of sections 12 and 13, of township 16, range 17, and parts of sections 7 and 18, in township 16, range 18, except that part of the territory above described, bounded as follows, viz.: Commencing at the northern line of said section seven (7) on the east side of Ripley street, extending thence south along the east side of Ripley street to Pollard street, thence west along Pollard street to Bainbridge street, thence north along Bainbridge street to its intersection with the lower Wetumpka road, and thence along said road to the northern line of said section seven (7), thence along said northern line to the place of beginning. Boundaries.

SEC. 2. Be it further enacted, That the inhabitants of the territory hereinabove described as constituting the corporate limits of the city of Montgomery, shall be a body corporate by the name and style of the city of Montgomery, and the aldermen of said city shall be named and styled the city council of Montgomery, and by that name, for said city of Montgomery, may contract and be contracted with, purchase, receive, hold, let, sell, grant or alien property, real, personal and mixed, and may sue and be sued, plead and be impleaded, and do and perform any other acts incident to bodies corporate. Corporate name.

SEC. 3. Be it further enacted, That all the powers and jurisdiction conferred by this act upon the corporate authorities of the city of Montgomery may be exercised and enforced within the territory hereinbefore mentioned, and over the inhabitants thereof, and the police powers and Jurisdiction may be exercised within any territory of Police jurisdiction.

the county of Montgomery lying within one and a half miles of the corporate limits of said city, and to all of the Alabama river included in said description, and to all lands which are now owned or which shall hereafter be purchased or acquired by said city, for the purpose of using or occupying as a hospital, quarantine station, poor house, pest house, work house, or house of correction, or school house, and sanitary sewers right of way, and the laws and the ordinances of the city of Montgomery shall apply to and extend over all said lands and the inhabitants thereof.

Wards.

SEC. 4. Be it further enacted, That the city of Montgomery shall be divided into as many wards, not exceeding ten, as the city council may determine, and the number and limits of said wards may be fixed and changed at the pleasure of the city council. Until a new apportionment shall be made the present wards shall be recognized, and any new territory taken into the city by this act shall belong to the ward or wards to which it is contiguous until changed by the city council.

Number of aldermen.

SEC. 5. Be it further enacted, That each of the wards of said city shall be entitled to two aldermen; who shall reside in the wards to which they are elected, and shall be qualified electors of said city and State and ward; the aldermen herein provided for shall compose the city council and exercise the legislative functions of said city government, and such other powers and duties as are vested in said city council and in said aldermen by this act. The city council shall judge of the election and qualification of the mayor, clerk and each alderman. The acts, resolutions or ordinances that may be adopted by the city council under this section shall not be subject to approval or disapproval by the mayor.

City council judges of election.

Qualification of certain officers.

Powers of city council

Health.

SEC. 6. Be it further enacted, That the city council of Montgomery shall have the power to preserve the peace and good order of the city, to prevent contagious and infectious diseases from being introduced into said city, to ordain all regulations necessary for an effective quarantine, and to enforce the same within ten miles of the corporate limits of said city, and may confer on the board of health of said city or county such powers in relation to the public health, within said city and the territory over which the city council

has jurisdiction, as it may deem proper and not inconsistent with the laws of the State, to maintain cleanliness and health, and to this end to adopt and provide an efficient system of sewerage, to provide for the inspection and cleanliness of all places detrimental to health or likely to become so, to adopt such ordinances and regulations as shall be deemed by the city council necessary or expedient for the protection of health, and to prevent the spread of disease, and to maintain a good sanitary condition in the streets, public places and private premises of said city. They may also prescribe the manner in which drainage from private premises may be disposed of, and shall have power to provide the manner in which water closets and sinks shall be constructed, and forbid the use of the same while out of order or defective, and may discontinue and forbid the use of sinks, pits, dry wells, but not of surface closets, and may regulate and compel connection of private and public premises with the sewer system of said city where closets other than surface closets, bathtubs or sinks, are used, and may regulate said connection as they deem best for the health of said city, and the city council shall have the right by ordinance to provide for the punishment of all persons, owners of property, who fail to make said connection after ten days notice to the agent or owner of said property, or if the agent or owner cannot be found, then if after ten days notice to the occupant, said connections are not made, shall have power by ordinance to provide for the punishment of any person who, as owner or as agent of the owner, after such connections have been ordered made and before they are made, shall rent out said property for occupation, the city council shall have the right and power to prevent the occupation of any such property after notice, until such connections have been made, and the said city council shall have power to prevent the owners of property in the city or, police jurisdiction thereof from having or permitting pools or ponds of stagnant water thereon, and to cause the same to be removed or drained at the cost of the owner of the property; to surpress all nuisances in the manner

Sewerage.

Drainage

Water closets.

Sinks, pits, dry wells.

Regulate connection.

Penalty.

Sanitary sewer connections.

Nuisances.

directed by the city council, at the expense of the person causing the same, or upon whose premises said nuisance is found on public or private property, and may enter upon private property for the purpose.

Slaughter houses.

SEC. 7. Be it further enacted, That the city council shall have power to control and regulate slaughter houses or pens and confine the same to specified limits, or to confine or prohibit the same within the police jurisdiction of the city; to provide for the weighing and herding outside of the city of all live stock intended for slaughter, and to prevent all cattle or animals in droves, herds or flocks, or unattended by some grown person, from being driven through the streets of the city, and to designate the streets upon which animals in droves may be driven, and generally to regulate the passing of cattle or animals in droves, herds or flocks through the streets of the city; to prevent the sale of adulterated or decayed food and adulterated drinks; to establish, open, alter, widen, extend, grade, cut down, fill in, pave or otherwise alter or improve all streets, avenues, sidewalks, alleys or wharves, public grounds and squares, and to provide for the payment of the cost and expenses thereof in a manner not inconsistant with the provisions of this charter, and also to provide for the lighting, sprinkling, cleaning and repairing the same, and to condemn private property for the public use of said city, either as provided for in this charter or according to the general statutes of the State; may establish public parks and purchase or condemn property either within or without the city, for such purpose ; to construct and keep in repair all bridges, sewers and drains, and to regulate the use thereof, and to confine, wall up, cover over, alter or change the channel of any water course; to establish or purchase and maintain water works, or contract for the furnishing of water for fully supplying the city and its inhabitants with wholesome water, and to regulate the manner and rates of furnishing water to private consumers; to establish and maintain a fire department and to regulate the same, and to provide for the election of its officers; to establish or purchase and maintain gas and electric.

Cattle, etc., driven through streets.

Adulterated Food, etc.

Street improvements.

Street lightning, etc.

Parks, bridges, sewers, etc.

Water courses

Water supply.

Fire department.

works, or either, or contract for the furnishing of gas and electricity, or either, for fully supplying the city and its inhabitants and to regulate the manner and rates of furnishing of gas and electric lights, or either, to private consumers; to organize and mantain public schools, to regulate public cemeteries, to prescribe and collect the wharfage dues, erect buildings or other improvements on the wharves, and to lease and farm out such wharves and buildings or parts thereof for a period not exceeding ten years, to such persons and on such terms as the city council may determine.

Gas and electric lights.

Schools, cemeteries, wharves etc.

SEC. 8. Be it further enacted, That the city council shall have the power to regulate sales at auction, except sales under execution or by order of courts, or by executors, administrators or guardians; to erect and maintain public scale houses with proper scales, weights and measures, to weigh and measure for the public, and in case of disagreement between buyer and seller, and to prescribe such other duties for the weigher and measurer as it may deem proper, not inconsistent with the constitution and laws of this State and the terms of this act, and to fix his compensation.

Public scales.

SEC. 9. Be it further enacted, That the city council shall have power to pass such ordinances as it may deem proper, not inconsistant with this act and the laws and constitution of the State of Alabama, for establishing, controlling and regulating markets and to provide for the proper inspection of meats, products or articles offered for sale or barter therein, and for the punishment of persons or corporations selling or offering to sell unsound or unwholesome articles in said markets or elsewhere in said city.

Market.

SEC. 10. Be it further enacted, That said city council shall have power to require butchers or other persons offering meat for sale, either in the markets or elsewhere in the city, to exhibit to the clerk of the market the hides, with ears attached of all cattle, sheep and goats slaughtered, and shall have power to require the head and ears of every pig or hog slaughtered to be exhibited to said clerk of the market before said head and ears have been cut from the body of such pig or hog, and shall have power to require a description of the marks, brands and

Butchers.

color of all animals killed for sale in said city exhibited to the clerk of the market, together with the statement giving the name of the person from whom the animal was obtained and the date of the purchase, and said clerk of the market shall keep a record of all such information in his office for the inspection of the public.

SEC. 11. Be it further enacted, That said council shall have power to impound and forfeit domestic ani-
Estrays. mals found on the streets contrary to city ordinance, to regulate the stationing, mooring and anchorage of steamboats and other boats and crafts within their jurisdiction,
Wharves, fer- and shall have general control and superintendence over
ries, etc. the wharf, wharves, ferry, ferries, p ublic springs, cisterns, fountains, and wells within the city.

SEC. 12. Be it further enacted, That the city coun-
Repair of side- cil shall have power to compel the owners or tenants of
walks. property to keep the sidewalks in front of such property clean and in repair, and the owners having failed to repair the same after such notice as may be prescribed by ordinance, at the cost of the owner, and tax the cost thereof against the adjacent property, which tax shall be a lien on said property and be enforced and collected as city taxes are collected, to require pavements to be laid
Pavements. and prescribe the kind of pavements to be laid, and to compel the laying of the kind of pavement prescribed, in the streets, sidewalks, alleys, and public places of said city, at the expense of the property owner except as herein provided; to prevent explosives and dangerous
Explosives. substances from being stored in dangerous quantities in the city, and to designate the places where such dangerous articles may be stored, and to regulate the manner of hauling and keeping explosive substances, and declare by ordinance what quantity of such explosives or dangerous substances shall be permitted to be stored in said city; to determine within what limits buildings of wood or other
Fire limits. inflammable material shall not be erected, and to prevent the reconstruction, enlargement or repair in wood or other inflammable material of buildings within such limits, which said limits shall be called the fire limits, and to condemn buildings and verandas and parts thereof, and other structures which are dangerous and insecure, and to tear down such buildings, verandas, or other structures, when the owner, after notice to him or his agent fails or refuses to do so, and to regulate the erection of verandas

and awnings; to regulate and control the cleaning; and sweeping of chimneys, the use of lights, stove-pipes and flues in all stores, warehouses, depots, stables, kitchens and other places within the city. And the city council shall not have authority within the fire limits prescribed by them to make any discrimination or permit any person to erect any building therein otherwise than in conformity to the ordinance applicable to the whole of the territory within the fire limits; Provided, that the city council may, in case of a building in the fire limits being only slightly damaged by fire, permit such building to be repaired so as to be placed in the same condition as before the fire; Provided, that in case the roof of the building is materially damaged the roof shall be replaced with metal or other fire-proof material; to regulate all places of amusements and public entertainments and prohibit and suppress any or all houses of prostitution or assignation.

Public entertainments.

Bawdy houses, etc.

SEC. 13. Be it further enacted, That the city council shall have power to regulate the sale of vinous, spirituous or malt liquors either or all by retail or wholesale and; shall have the power to close houses and places for the sale of intoxicating liquors, when in the opinion of the city council, the public safety or peace may require it, and it shall be the duty of the city council when complaint is made that any person engaged in said city, or its police jurisdictions, in the sale of spirituous, vinous, malt or other intoxicating liquor, keeps a disorderly house, and allows persons gathered therein to become disorderly to the annoyance of the public or persons using the public streets or side-walks, to investigate the said complaint and if well founded, to revoke the State, County and City license therefor, and after said licenses have been revoked, the authorities of the City, County and State are prohibited from issuing another license for the operation of said business in said city or its jurisdiction by the same person either as agent or otherwise, and, any person who, after having his license revoked as above provided, shall continue said business, in said city or its jurisdiction either by himself or agent, shall be punished, on conviction, as if he had procured no license in the first instance, but the person whose license has been revoked shall, have a right of appeal to the city court, or circuit court, upon entering into bond in the sum of five hundred dollars'

Regulation of sale of liquors.

Disorderly house.

Revoke license

Penalty

Bond.

conditioned for his appearance to answer and abide the judgment of said appellate court, and if said appeal is unsuccessful, to pay the cost thereof, and on such appeal, to be tried de novo.

SEC. 14. Be it further enacted, That said city council shall have power to restrain and prohibit gaming, and the keeping of gaming houses and may by ordinance authorize the police to enter such house or part thereof, seize all gambling implements, and arrest all persons found therein, whenever any reputable person shall make affidavit that he has good cause to believe and does believe that any house or part of a house is being kept for the purpose of carrying on gambling therein.

Gambling.

SEC. 15. Be it further enacted, That said city council shall have the power to authorize the recorder or alderman acting as recorder to imprison or fine, or both imprison and fine or expel all tramps, swindlers, beggars or suspicious characters the city council shall have power to authorizes the use of the streets of said city for horse, steam or electric railroads and to regulate the same, and to require and compel all lines of railway or tram ways in any one street to run on and use one and the same track, and to compel such companies to pay and keep in repair such parts of the street bridges and crossings over which their cars run as the city council may deem proper.

Tramps, swindlers, etc.

Street railroads.

SEC. 16. Be it further enacted, That any street railroad company operating its railroad by steam, electric or animal power shall have the right and may be required by the city council to run its cars over the track of any other street railroad company, in whole or in part, in said city upon the payment by the company so using the track of another of just compensation for the use thereof, under such rules and regulations as may be prescribed by ordinance, and it shall be the duty of the city council to pass such ordinances as may be necessary to carry this provision into effect. To regulate the use of the streets for the erection, of telegraph, telephone, electric and all other systems of wires and conduits, and to require the same to be

Right of way over other railroad.

Wires.

placed under ground if deemed necessary for the public convenience and generally to control and regulate the use of the streets for any and all purposes. To establish, set up and regulate hospitals, infirmaries, poorhouses, work-houses, or houses of correction, and to make and pass laws rules, and regulations for the government of the same, not inconsistant with the laws of this State. Hospital, infirmaries, etc.

SEC. 17. Be it further enacted, That the city council shall have power to sell or lease in such manner as it may deem advisable, any franchise which it has the power to grant and the moneys received thereof shall be paid into the city treasury. Franchise.

SEC. 18. Be it further enacted, That said city council shall have power to license all business, trades, occupations and professions not prohibited by the constitution and laws of the State of Alabama and to fix the amount of the license and to provide a penalty for doing business without license; Provided, that but one license shall be collected or required of any person, firm, or corporation or for any particular trade, occupation, business or profession using but one place of business in carrying on such business, trade, occupation or profession. The license herein authorized as to persons, firms or corporations engaged in business in connection with interstate commerce, shall be confined to such portion of such business as shall be done or carried on within the limits of this State, and when such person, firm or corporation has an office or transacts business in said city of Montgomery. Licenses. Interstate commerce.

SEC. 19. Be it further enacted, That the city council shall have power to license and to fix the rate of and to regulate the carriage of persons, the wagonage, drayage and cartage of property, for hire within the city and passing through said city, and from points outside the city to points inside the city and from points inside the city to points outside the city, farmers hauling their own products excepted. Drayage, license, etc.

SEC. 20. Be it further enacted, That all persons who procure a license from said city council or its authorized agents for doing or carrying on any business City licenses exempt from county licenses

in said city shall be exempted from paying any tax or license to the county of Montgomery for carrying on said business in said city.

SEC. 21. Be it further enacted, That the city council shall not contract any debt, or incur any liabil-
Limit of current indebtedness. ity in the future, for or on account of the city of Montgomery except such as shall be paid out of the ordinary current revenue collected in the year the debt or liability is contracted, except bonds and other liabilities specially authorized by act of the legislature, and except that, in the event that the moneys in the city treasury become exhausted the city council may, by a vote of two-thirds of the members elected to said council, the vote to be taken by yeas and nays and spread upon the minutes, pass an ordinance, which must state the amount to be borrowed, which amount must be approved by the mayor, authorizing the mayor to negotiate a loan for the use of the city, Provided, that such
Limit of loans loan or loans shall never be for a longer period than six months, nor at a greater interest than eight per cent. per annum, and never exceed the sum of thirty-five thousand dollars at any one time, and provided further, that the city shall never be in debt for loans or money exceeding the sum of fifty thousand dollars in the aggregate at any one time (exclusive of its bonded indebtedness).

SEC. 22. Be it further enacted, That all claims against the city (except bonds and coupons for interest
Presentation of claims. on bonds) shall be presented to the city clerk for payment within two years from the accrual of said claim, or shall be forever barred, except claims for damages growing out of torts which shall be so presented within six months from the accrual thereof or shall be forever barred.

SEC. 23. Be it further enacted, That the city council shall not have power to release any person from the payment of any lawful tax, or to exempt him from any burden imposed upon him by law or to order the payment of any demand not authorized and audited according to law, but this shall not be so construed as to prevent a compromise of any tax claim or demand

where doubts exist as to the right of said city council, nor shall the city council have power to order or authorize the payment of any damages claimed for alleged injuries to persons or property, except by ordinance adopted by a vote of a majority of members elected to said council on a vote taken by yeas and nays and spread upon the minutes.

Measure of city's liability for damages.

SEC. 24. Be it further enacted, That neither the city of Montgomery nor the city council of Montgomery shall be made liable in damages for injury done to, or wrong suffered by any person or corporation, unless said injury or wrong was done or suffered through the neglect, carelessness or unskillfulness of some agent, officer or employe of the city engaged in some work for the city and while acting in the line of his duty, or, unless the said injury or wrong was done, or suffered through the neglect, carelessness or failure to remedy some defect in the streets, alleys, public ways or buildings of the city, after the same had been called to the attention of the city council, or after the same had existed for such unreasonable length of time as to raise a presumption of knowledge of such defect on the part of said city council. And whenever the city council shall be made liable to an action for damages by reason of the unauthorized or wrongful acts or the negligence, carelessness or unskilfulness of any person or corporation, and such person or corporation shall also be liable to an action on the same account by the party so injured, the injured party, if he sue the city council for damages suffered by him, shall also join such other person or persons, or corporation so liable, if residing within the State, or can be served with process as a defendant or defendants of his suit. And no judgment shall be rendered against the city council unless judgment is rendered against such other person or corporation so liable for such injury. And if any action be brought against the city council alone, and it is made to appear that any person or corporation ought to be joined as a defendant in the suit according to the provisions of this section, the plaintiff shall be non suited, unless he amends by

Liability of city when joint with others.

making such party or corporation a defendant, but no person shall be liable under this Act, to be sued jointly with the city council who shall not be liable to be sued separately, irrespective of this provision. When a judgment shall be obtained against the city council and the other party liable as aforesaid, execution shall issue against the other defendant or defendants in the ordinary form, and shall not be demandable of the city council unless the other defendants are so insolvent that the same cannot be made out of them or their property, and the city council shall pay only so much of said judgment as cannot be made out of the other defendants.

Execution of contracts.

SEC. 25. Be it further enacted, That all contracts relating to city affairs shall be in writing, signed and executed in the name of the city by the officers authorized to make the same, and by the party contracting, and in cases not otherwise directed by law or ordinance, such contracts shall be made and entered into and executed by the Mayor, in the name of the city council, but this section shall not be construed to cover purchases for the ordinary needs of the city.

Assessment and correction of taxes.

SEC. 26. Be it further enacted, That the city council shall have power to pass ordinances for the assessment and levy of taxes upon all property subject to taxation by the laws of the State. That the said city council may cause an assessment of taxes to be made in each year by the city clerk or other fit person, the assessment naming the person liable to such taxes, when known, and specifying the property when the owner is not known, which assessment shall be returned to the mayor, and by him laid before the city council, and the mayor shall cause at least ten days public notice that such assessment has been made and the time when the city council will proceed to bear and determine upon all complaints which may be made against such assessment, and it shall be their duty to correct the errors and supply omissions, and when the same has been passed upon by said city council the said assessment against persons or property shall have the force and effect of judgment and execution and may

Effect of assessment on personal property.

be collected by levy and sale of property on giving such notice as is required by law on execution from the circuit court, the city council of Montgomery shall have a prior lien upon all real estate and personal property assessed for taxes, over and above all other liens that may exist thereupon, except those of the State, and upon all sales made under and by virtue of such assessment, or by decree of the city court of Montgomery, the purchaser or purchasers at such sale or sales shall acquire a title superior in the order of priority of lien to that of any liens in existence, save those of the State, Provided, that the duties in this section above required of the city council except as to issuing process, may be devolved upon a board of assessors, and the assessment approved by them shall have the same force and effect as if approved by the city council, and no sale of real estate or personal property for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person or owner, or as the property of an unknown owner, or on account of any informalities or irregularities whatever in any of the proceedings for the assessment and sale, unless the person impeaching such shall show that the taxes so assessed on such property and the penalties and costs accruing on such assessment, and the proceedings for sale were paid at the time of said sale; Provided, the city council may by ordinances, adopted pursuant to this act, change the mode of assessing property for taxes, herein prescribed as it may deem proper and not inconsistent with the laws and constitution of this State.

Effect of sale for taxes.

Effect of irregularities in tax sales.

Mode of assessing property.

SEC. 27. Be it further enacted, That the said city council is hereby authorized and empowered to pass laws for the sale of personal property in said city for taxes, whether the said personal property belongs to residents or non-resident owners, or to persons unknown, the owner or any person for him, or any mortgagee, or any person having a lien, shall be allowed to redeem any real estate sold for city taxes or assessments under decree of the city court of Montgomery, upon paying the purchaser or the city treasurer for him double the amount of

Tax assessments sales and redemptions.

taxes and assessments for which said property was sold, including any State and county taxes paid by the city as herein provided, costs and expenses of re conveyance, and legal interest on the amount paid at said sale from the date of said sale to the date of the redemption. Any surplus arising from any sale made for taxes or assessments shall be paid into the city treasury for the owner, to be kept by the city treasurer for the owner upon the responsibility of his bond. Interest shall be collected on all taxes and assessments from the first day of December next after the assessment, if not paid by that day, and when any lot or part of lot or any personal property has been assessed to an unknown owner, the assessment shall be prima facie evidence of the fact, and the city council may, by its agent, purchase property, real or personal, sold for taxes or assessment, and in the event of a sale of real estate for taxes or assessments, and the purchase thereof by the city, the deeds for the same shall be made to the city council of said city, and the property may be redeemed as other lands sold for taxes as aforesaid, and when any lands are redeemed under this act, the purchaser or his grantee shall re convey to the person so redeeming at the latter's expense. The mayor in such cases shall re convey for the city. Whenever the city treasurer shall discover that any person or property in

Escaped taxes. said city, liable for taxation has escaped taxation in any previous assessment, he shall assess the taxes thereon for such years as such person or property has escaped taxation, and where he has reason to believe that any person who has been assessed is about to leave the city without paying the city taxes assessed against him, or that any person assessed for city taxes is insolvent, or a defaulting tax payer, or, if said taxes are not due, that there is danger of the city loosing the tax assessed against such insolvent, it shall be the duty of said city treasurer forthwith to make oath of such fact or facts before some justice of the peace in said city authorized by law to issue attachments and garnishments, and upon such oath being so made and bond being given by the city as now required by law in cases of attachments and garnishments, except that no surety shall be required on such bond, it shall be the duty of such justice of the peace to issue an attachment against the property of such tax payer, or a garnishment, or both, as said treasurer may direct, return-

able before such justice, if the amount is within his jurisdiction, and if not, then to the circuit court in Montgomery county, and the same proceeding shall be had thereon as provided by the general law of the State in cases of attachments and garnishments.

SEC. 28. Be it further enacted. That whenever any property in said city has been sold for State and county taxes (either or both) and bought in for the State or county, the city may pay such taxes and fees, and upon payment, the said city shall be invested with all the liens which the State and county had before the sale of said property, and after such payment by the city the said property may be sold for the payment of all city taxes and for the repayment to said city of the assessments and interest due thereon, and for the re payment to said city of the amount with interest thereon paid to the State or county for its lien on said property, by said city and for the expenses-of the sale, in the same manner and through the same tribunal now provided for the sale of property for failure to pay city taxes or assessments. Whenever any property thus sold is sought to be redeemed the owner shall pay the amount of taxes and assessment for which said property was sold, and also the cost of said sale, and of said redemption, and pay such other amounts as are required in the redemption of property sold for taxes by the said city. But no redemption of property sold for taxes, whether under this or the proceeding section, shall be allowed (except in cases in which the city has been the purchaser, and then only with the consent of the city council) after two years from date of said sale.

Property sold for taxes by State.

SEC. 29. Be it further enacted, That the provisions of an act entitled "an act to regulate the sale of real estate in the city of Montgomery, Ala., for unpaid taxes assessed for municipal purposes," approved February 10 1887, heretofore passed, shall be unaffected by this acts except in so far as it conflicts herewith, but the fees of the register (including commissions for sale, commissions for receiving and paying out money for the city of Montgomery) shall not exceed ten dollars in any case tried or disposed of under the provisions of said above mentioned act.

Act of Feb.10, 1887, for tax sales.

SEC. 30. Be it further enacted, That if for irregularity in proceeding or any other cause, the sale for city

taxes or assessments shall prove, ineffectual to pass title to the purchaser of such sale or his assignee or the grantee in any case made to the holder of any certificate of purchase, then such certificate or deed, as the case may be, shall have the effect to transfer to the holder thereof the lien of the said city council on the land named therein, for the amount of taxes, interest and costs for which said land may have been sold, and shall also be a lien on said land for interest on said sum, and for all taxes paid thereon by any holder of said certificate or deed after the time of said sale, and such lien may be enforced by new proceedings in the city court of Montgomery for his benefit, in the name of the city council of Montgomery upon indemnity being given for cost.

Tax title effect of when irregular.

SEC. 31. Be it further enacted, That in all cases of general or special assessments and taxes of any kind against any property, person or corporation, whatsoever, if any assessment has been improperly made and by reason thereof, said assessment is held invalid, the city council may correct the errors made and the assessment be enforced as though correctly made in the beginning.

Correction of assessments.

SEC. 32. Be it further enacted, That it shall be the duty of the clerk of the Board of Revenue of Montgomery county, after the assessment of taxes have been corrected and equalized by the Board of Equalization of said county to inform the city clerk in writing of all changes in the values of property within the city as assessed.

Corrected tax assessments by board of revenue.

SEC. 33. Be it further enacted, That all licenses, taxes and assessments levied or made by the city council of Montgomery pursuant to this charter, shall be a lien upon all the property of the person or corporation from whom such licenses, taxes or assessments may be due, prior to all other liens except of the State and shall be collected as city taxes are collected, and if any such property should be sold under judicial process, it shall be the duty of the officer conducting said sale to reserve and pay into the city treasury out of the proceeds of said sale the amount so due to said city council of Montgomery.

Lien of taxes.

SEC. 34. Be it further enacted, That it shall be lawful for said city council from time to time, and in such manner as it may be determined to pave, gravel or macadamize any street, avenue, square, public place or alley, in whole or in part, within the corporate limits of said city, whenever said city council may deem it necessary or ex-

Street paving, etc.

pedient to do so, and for that purpose said city council is hereby authorized and empowered to adopt and provide the means therefor, and to pass all such by-laws and ordinances as may be required for assessing the property to be benefitted thereby for such amounts as may be fair and reasonable, not to exceed one-half of the construction thereof, and of the expense of laying down the same, and also to collect and enforce such assessments as in the case of city taxes, such assessments to be made on property on both sides of the street, or parts of the streets thus improved per front foot, the assessment not to exceed in any case more than one-fourth of the cost of improvement in front of the property, nor more than ten dollars per front foot of the property taxed, provided, that corner property which has been assessed for the improvement of the street on one front shall not be assessed for the improvement of the street on the other front, exceeding one-eighth of the cost of the improvement on such front, nor exceeding two dollars and one-half per front foot, but in case of corner property the assessment shall include all of the street in front of the sidewalk on the narrowest front of said property.

Street railro'ds require to pave, etc.

SEC. 35. Be it further enacted, That whenever the city council shall determine to pave, gravel or macadamize any street upon which there is any street railroad, or other railroad, the part of said street which the franchise granted by the city to said railroad company, shall require to be paved, graveled, or macadamized, shall be paved, graveled or macadamized by said street or other railroad company, at its own cost and at the same time and in the same manner and material as the remainder of said street is to be paved, graveled, or macadamized and if any such railroad company or persons in charge or control of any such railroad shall refuse or fail to pave, gravel or macadamize, the part of the street herein required to be paved, graveled, or macadamized, by such company or person in charge or control of any such railroad, at the time or in a manner required, the city may do the work itself, and the cost thereof shall be assessed against, and a lien upon the property of said railroad company prior to any and all mortgages, judgments, or liens, except liens of the State for taxes whether such mortgages, judgments or liens are created before or after said work, and the lien of the city shall not be waived by any agreement, ordinance

or resolution granting time to any such railroad company for the payment of the cost of such paving.

SEC. 36. Be it further enacted, That whenever a nuisance is caused upon private property, by any work or improvement done by or for the city, the same shall be abated at the expense of the city, and whenever a grade of the street is fixed by the city, and improvements shall have been made, in conformity thereto, if the city council shall thereafter alter said grade to the damage of said improvements, the city council shall indemnify the owner of the improvement for such damage.

Nuisance caused by city.

SEC. 37. Be it further enacted, That said city council is hereby authorized and empowered to pass by-laws and ordinances for the purpose of assessing property adjacent to any street, for one-half the expense of such sewers as the council may from time to time deem necessary for the purpose of receiving sewerage from houses, privies and lots, and bettering the sanitary condition of such parts of the city as the council deems advisable. Such assessment to be made upon property on both sides of the street or which side sewer may be constructed at a stated amount per front foot.

Sewer tax.

SEC. 38. Be it further enacted, That all laws heretofore enacted authorizing the city council of Montgomery to establish and maintain a system of sewers and authorizing an issue of bonds therefor, and the several acts authorizing the issuing of bonds for schools, pavements or water works, and for refunding the debt of the city, and for all other purposes are held in full force, and are to be in no manner affected by this act, but this act shall not revise any bond or liability which is not now a valid obligation against the city.

City bond unaffected inspector, etc.

SEC. 39. Be it further enacted, That the mayor shall have power to appoint, an inspector of buildings and the council may require all buildings propose to be erected to be registered, and in order to insure safety regulate the construction of buildings and require permits for the erection of buildings, and to have the same examined after the erection in such manner as the council may deem best, and shall have power to compel the owner of any building to make the same secure, and shall have power to fence in said building until it is made secure, or to compel the owner to fence the same.

Buildings inspector.

SEC. 40. Be it further enacted, That the city council shall without unnecessary delay enact stringent and efficient laws for securing the safety of persons from fires in halls, theatres and buildings let or used for public assemblies and for entertainments or amusements. Place of amusement.

SEC. 41. Be it further enacted, That the inhabitants of said city shall be exempted from working on roads and highways outside of said city, except as herein provided. Street tax.

SEC. 42. Be it further enacted, That whenever the said city council shall deem it for the best interest of the inhabitants of the said city, or any part thereof, to establish a hospital, or hospital for quarantine purposes, or for the treatment of contagious or infectious diseases it shall be lawful for said city council to authorize the mayor of said city to acquire a lot or lots of land within ten miles of said city suitable for such purpose, to be purchased or leased from the owner or owners thereof, but not to exceed ten acres in quantity. And whenever in the opinion of the city council right of way through the lands of others (whether in or out of the city) is necessary for sewerage or drainage purposes and whenever the city council may determine to change the grade of any street, sidewalk or public place, and whenever any property is needed for any city purpose the city council shall authorize the mayor to attempt to acquire such right by purchase from the owners thereof. Whenever the proprietor or proprietors, or any of them, of any of the lands necessary for any of the purposes aforesaid, or necessary for opening new streets or widening old streets, and the mayor cannot agree on a price for said lands or cannot agree as to the amount to be paid for changing the grade of any street, sidewalk or public place, and whenever the proprietor or proprietors thereof shall be an infant, non compos mentis, married woman non-resident or person unknown, then the mayor shall apply to the clerk of the circuit court of Montgomery county for a writ of ad quad damnum, to be directed to the sheriff of Montgomery county, commanding him to summon Ad quod damnum proceedings.

three free holders or house holders of the county, not residents of the city of Montgomery to appear before the sheriff on a day named, not less than ten days from the date of the writ, and to proceed under his direction to assess the value of the lands of such proprietor, for the use thereof, or the damage or injury which may be done to any property by the change in the grade of any street, sidewalk or public place, named in the application for the writ, and in the writ, which shall describe the lands required for the use of the city, the use for which said lands are desired, the grade intended (in case of change desired in the grade of any street, sidewalk or public place), and the name of the owners respectively if known, and the said persons thus selected shall be sworn by the sheriff to faithfully perform their duty under such writ and after viewing the premises, render a verdict which verdict shall be endorsed on the writ by them, and shall assess the damages to each proprietor severally. In assessing such damages, or values, said jury shall take into consideration the question as to whether the property to be taken or the use of property to be acquired or the grade to be established will specially benefit any adjoining property of the person whose property is taken, or adjoining with said street, sidewalk or public place is graded, and if the jury shall be of opinion that a special benefit will thereby accrue to such person, this fact shall reduce in proportion to the award made, and the sheriff shall thereupon return the writ so indorsed to the clerk of the circuit court, and the verdict so rendered shall be entered on the records of the circuit court of the next term of the court after its return, unless an appeal shall have been taken in the manner hereinafter prescribed. The same jury may render a verdict upon all the matters contained in the same application. On the return of the verdict and the payment to the clerk of the damages assessed, the lands so assessed shall enure to the public use, for the use specified in the application, and the city council may proceed to change the grade of any such street, sidewalk or public place, unless the city council or

some proprietor or proprietors shall, within thirty days, take an appeal to the circuit court, and on such appeal being taken the assessment of damages shall be tried in the circuit court de novo, and upon such trial either party may demand a jury. On the suing out of the writ, the mayor shall pay to the clerk of the circuit court, three dollars for his fees, two dollars per day for each juror on the preliminary assessment and three dollars for the sheriff to be paid by a warrant drawn on the treasurer by the city clerk on the order of the mayor. And when any owner of lands, which lands or the use thereof are desired for the city, or for any of the purposes mentioned in this section is an infant, non compos mentis, married woman, non resident unknown, the clerk of the circuit court must give notice of the filing of such application by publishing for three consecutive weeks, in some newspaper published in said city, notice of the filing of such application, before he issues his writ to the sheriff, in all other cases five days notice of the filing of the writ shall be given by the clerk of the court to the owners of the property to be served by the sheriff personally or by leaving a copy thereof at the owners residence or place of business, and the mayor of the said city must deposit with the clerk the advertisement fee, to be paid by a warrant drawn on the treasurer by the clerk of the city council, on an order of the mayor.

SEC. 43. Be it further enacted, That within one month after the newly elected city council shall meet it shall elect one of its members as president, whose duty it shall be to preside and keep order at all meetings, and to appoint the committees thereof and such other duties as are prescribed in this charter or may be prescribed by the council. He shall call meetings of the city council when ever in his opinion the interest of the said city may require, and whenever the mayor requests the same of him in writing, or whenever he is requested to do so by any two aldermen in writing. And upon the failure or refusal of the president of the city council to call a meeting when requested as above, the mayor, or the two aldermen making the request, as the case may be, shall have the right to call such meeting. The city council

President of council.

shall appoint one of their number president pro tempore, who shall discharge the duties of the president in the event of a vacancy in the office of president or of the absence, disability or inability of the president until the president's return, or until his disability or inability is removed. In the event of the absence, death, disability or inability of the mayor, the acting president of the city council shall perform the duties of the mayor until the mayor returns or his disability or inability is removed, or in case of death, resignation or removal from office of the mayor, or in case of the mayor's removal from the city, until the city council shall elect a mayor, and said election shall be had within thirty days, and the mayor elected by the council shall hold his office until the next bi-ennial election by the people, and until his successor is elected and qualified.

Style of ordinances.

SEC. 44. Be it further enacted, That the style of ordinance of said city shall be: "Be it ordained by the city council of Montgomery as follows :"

Ordinances; how passed.

SEC. 45. Be it further enacted, That no ordinance or resolution intended to be of permanent operation, shall pass the council at the same meeting at which it is first offered, unless the rules be suspended by a unanimous vote of those present, the vote to be taken by yeas and nays, and the names of the members voting to be entered upon the minutes, and no ordinance or resolution, intended to be of permanent operation, shall become a law, unless on its final passage a majority of the members elected to said council vote in its favor, and unless it be approved as hereafter required by the mayor, or, his disapproval being made known to the council, unless it be passed at a regular meeting by a vote of two-thirds of all the members elected to said council, the vote being taken by yeas and nays, and spread upon the minutes. And no ordinance shall be amended by providing that designated words thereof be stricken out or that designated words be inserted, or that designated words be stricken out and others inserted in lieu thereof, but the ordinance or section or subdivision amended shall be set forth in full as amended.

Amendment of ordinances.

SEC. 46. Be it further enacted, That the city council during, a session, or a committee thereof, duly authorized thereto by resolution, during a session of such committee, may punish by arrest and imprisonment any person who

is guilty of disorderly or contemptuous behavior in the presence of the council or of said committee, but the imprisonment shall not exceed twenty-four hours. The city council, or a committee thereof duly authorized, may summon witnesses and compel their attendance, and administer oaths by the president or chairman, compel witnesses to testify and to produce books and papers, and may punish them by imprisonment not exceeding ten days for failure to attend or refusal to testify or to produce books or papers. And said committee may require any officer of the police force (except the chief) or any patrolman to act as secretary of such committee.

Punishment of contempt, etc., by council or thereof.

SEC. 47. Be it further enacted, That the city council shall provide for the revision of the general ordinances of the city council at least once in every five years.

Revision of ordinances.

SEC. 48. Be it further enacted, That the city council shall have full power to try all impeachments of the mayor, city clerk and any member of the city council, and when sitting for that purpose, as a court of impeachment, the members thereof shall be on oath or affirmation.

SEC. 49. Be it further enacted, That the city council may impeach or remove any of the officers named in the preceding section, including the president thereof, for corruption in office, habitual drunkenness, incompetency, official misconduct or any offense involving moral turpitude or for habitual neglect of duty, by a vote of two-thirds of all the members elected to the city council, except the mayor, as to whom a three-fourths vote shall be requisite, the vote in all cases being taken by yeas and nays, and spread upon the minutes, five days notice and an opportunity of being heard in his own defense having been previously given the accused, with a copy of the charges against him. Upon the preferring of impeachment by any member of the city council or by the mayor, the accused shall be placed upon trial, which trial shall begin within thirty days from the notification of said charges to the party impeached. Judgments in cases of impeachment shall not extend further than removal from office and disqualification from holding any office under the city during the term for which such officers were elected, but the party convicted shall be liable to indictment, trial and imprisonment in the State courts, notwithstanding if it be an

Impeachments

offense punishable by the laws of this State. Upon the trial of all impeachments the accused shall have the right to appear in person and by counsel and to testify in his own behalf, and the city council shall be represented in such cases by the city attorney or by him and such assistant counsel as the city council may authorize ; the city council shall fill any vacancy in the office of clerk.

Official salaries.

SEC. 50. Be it further enacted, That each city council, as soon after its organization as may be convenient, shall, subject to the limitations contained in this act, fix the salaries of all the different officers of said city, including the mayor, city clerk, treasurer, recorder, city physician, commissioner of streets and city attorney, and said salaries shall not be increased or diminished during the term for which said officers are elected. The salary of the mayor of the city of Montgomery shall not exceed twenty-five hundred dollars per annum. The salary of the city clerk shall not exceed two thousand dollars per annum. The salary of the recorder shall not exceed twelve hundred dollars per annum. The salary of the treasurer shall not exceed two thousand dollars per annum.

SEC. 51. Be it further enacted, That the executive department shall consist of the mayor, the city clerk, the city treasurer, the chief of police and such of the subordinate officers and assistants of the city, whose duties are of an administrative or executive character.

Mayor.

SEC. 52. Be it further enacted, That the mayor shall be the chief executive officer and shall exercise a general supervision and control of all the executive officers and affairs of the city government, and wherever no person is, by the provisions of this charter or otherwise, designated to perform duties relating to the executive department, the mayor shall be charged with the duty and power to designate some officer or employe of the city to discharge such duties, and he shall see that the same are faithfully performed. He may, if the city council should deem it necessary, employ a clerk to be known as the mayor's clerk, whose salary, to be fixed by the council, shall not exceed twelve hundred dollars, and who shall perform such duties as the mayor shall prescribe. The mayor shall have power to appoint all city officers whose appointment or election is not otherwise provided

for in this charter, whose duty and compensation shall be fixed by the city council, and whose term of office shall be two years unless otherwise provided herein. All appointments so made shall be subject to confirmation by the city council, and in the event of the rejection of any appointment by the council the mayor shall make other appointments until his appointee is confirmed. The city council shall fill by election the office of city treasurer, chief of police, recorder, city attorney, and all other offices now existing (except mayor, clerk, aldermen, commissioner of streets, superintendent of streets, city electrician, city physician, city sexton and market clerk), or which may be hereafter created by the council; but the mayor, upon his induction into office, shall subject to confirmation as aforesaid, appoint the commissioner of streets, city electrician, city sexton, and may remove said officers whose appointment is to be made by him under the provisions of this act, and fill the vacancy temporarily, but he must report the removal and the cause thereof to the city council. The mayor shall call together at least once a month the heads of the several branches of the executive department of the city government for consultation and advice as to the condition of such departments and after the general welfare of the city, and he shall give such directions and instructions touching the several departments as may appear from such conference to be necessary or proper, not inconsistent with the ordinances or resolutions of the city council. But this shall not be construed as limiting his power of directing and controlling said heads of the several branches of the executive departments at all times, not inconsistent with the ordinances or resolutions of the city council. He shall require the heads of the various branches of the executive department, at such time as he may direct, to submit annual estimates of their probable expenses, which estimates it shall be the duty of the mayor to submit to the city council, together with his recommendation thereon. He shall also be authorized to require such other reports to be submitted to him by such officers at such times as he may direct or as may be prescribed by the city council. The heads of the various branches of the executive department and their subordinates and all officers of the city shall perform such duties as may be assigned to them and shall

be responsible therefor to the mayor, who shall have supervision, direction and control over them, and he shall see to the faithful and economical execution of all ordinances and regulations of the city council, and of all work of whatsoever character that may be entrusted to any officer or employe, or which may come within their duties, and a like responsibility to their immediate superiors shall attach to all overseers or subordinates of whatsoever name or title for the prompt and faithful performance of all work and duties entrusted to or imposed on them; and for every failure of such officers and subordinates to discharge their duties, the mayor shall exercise the power of suspension, removal or deduction from wages or salary, and it shall be the duty of all officers and subordinates to report to the mayor all neglect of duty that may come to their knowledge. But the mayor must forthwith report such suspension or removal of any officer or subordinate to the city council with the cause thereof, and the vacancy shall be filled forthwith as provided in this act. The mayor shall prescribe rules not inconsistent with city ordinances for regulating the distribution and performance of all business of the city and for the regulation of officers and employes under his control. He shall see that a record of the moneys paid out for, and the work done in, each department, is kept by the proper officer or officers, and that the records shall show the monthly expenditure of each branch of the executive department, and shall show the true condition of city affairs, and that such records shall show all contracts, with names of contractors, in which the city is interested, and the bonded and other indebtedness of the city.

The mayor shall be at least twenty-five years of age, and five years a citizen of the State of Alabama, and three years of the city of Montgomery. His term of office shall be two years; he shall keep his office at the city building, and shall devote his time exclusively to his duties. He shall see that all laws and ordinances and resolutions passed by the council and approved by him, are published by the city clerk in some newspaper which is published daily in the city of Montgomery, and shall see that such laws and ordinances are properly executed.

He shall, from time to time as the city council may

require, lay before the council a full statement of the condition of the affairs of the city, and may communicate in writing with the council at all times, and shall at least once a year suggest to the city council such changes in the laws and government of the city, and make such recommendations as he may deem wise. It shall be his duty to approve all official bonds of officers and employes who may be required to give bond. He shall make proclamation whenever he may deem it necessary for the health of the city, or whenever so instructed by the city council, in order to prevent contagious or infectious diseases from being introduced into the city, prohibiting all persons and goods from infected localities from entering said city. He shall see that all contracts or agreements with the city are faithfully kept and performed, and to this end he shall cause legal proceedings to be instituted and prosecuted against all persons or corporations failing to fulfill their contracts or agreements with the city; and it shall be the duty of every city officer, when it shall come to his knowledge that any contract with the city, relating to the business of any office, has been violated by the other contracting party, forthwith to report the fact to the mayor, and the mayor shall have authority to require a report in writing at any time from any and all officers, agents or employes of the city as to matters in the charge of or within the duty of such officer, agent or employe.

The mayor alone shall have power to remit or commute fines costs, forfeitures and penalties duly imposed for violation of any ordinance, and shall make a report of the same to the city council at the next session thereafter, and shall in his annual message to the council attach a statement of all such fines, costs, forfeitures and penalties remitted by him. Mayor.

All ordinances and resolutions intended to be of permanent operation, after having been passed by the council shall be transmitted within twenty-four hours thereafter by the city clerk to the mayor for his consideration, who, if he shall approve thereof, shall sign and return to the city clerk, who shall publish the same, and such ordinances and resolutions shall thereupon have the force of law. But if the mayor shall disapprove of any ordinances or resolutions transmitted to him as aforesaid, he shall within ten days of the time of its passage by the

council return the same to the city clerk with his objections, in writing, and the city clerk shall make report thereof to the next regular meeting of the city council, and if two thirds of the members elected to the said council shall adhere to the said ordinance or resolution notwithstanding said objections, said vote being taken by yeas and nays and spread upon the minutes, then and not otherwise, said ordinance or resolution shall after publication thereof have the force of law. The failure by the mayor to return an ordinance or resolution with

Mayor. his veto within ten days after its passage by the council to the clerk of the city council, shall operate and have the same effect as an approval of the same, and the clerk of the city council shall publish the same as is herein provided for the publication of laws and ordinances of said city. Every ordinance or resolution making an appropriation or fixing the number and salaries of employes or officers of said city shall be submitted to the mayor as ordinances are above provided to be submitted, and may be approved in part or vetoed as to specific items mentioned by the mayor in his veto message.

The mayor shall exercise general supervision over the fiscal affairs of the city, the collection and return into the treasury and disbursements of all revenue and moneys of the city, of all property, assets and claims, and the sale or other disposition thereof, and shall see that all necessary legal proceedings are had for the protection of the city's interest in all its property, assets and claims, that proper rules and regulations are prescribed in rela-

Mayor. tion to all accounts and settlements, and all reports connected with the fiscal returns of the city, that no expenditure is made from the treasury without the authority of law, and that the appropriations are not over drawn. He is especially charged with the preservation of the credit and faith of the city in relation to the public debt, and other liabilities, and whenever it is necessary to meet the payment thereof, principal or interest, he shall see that the proper provisions is made for that purpose, provided, that this shall not authorize the mayor to bind the city or borrow money otherwise than as may be provided by ordinance of the city council applicable to the particular debt or liability. He shall make semi-annual reports to the city council as to the financial condition and requirements of the city, with careful statements and

estimates of receipts and expenditures, and also of such other matters as he may deem proper.

Bonds of city in judicial proceedings.

In all judicial proceedings where by law bond and sureties or either or required from litigants, bond shall be given by the mayor for the city council and in its name, but no sureties shall be required therefor, all such bonds shall be executed by the mayor but shall impose no liability against him individually, and shall be taken by the courts of the State as a full compliance with the law in such cases, and all acts or parts of acts inconsistans with this provision are repealed, as far as the city of Montgomery is concerned.

The mayor shall examine into and report to the city council the facts as to any matter referred to him, with his recommendations in the premises, and, whenever any work, improvement or other thing shall be ordered by the city council to be done or made, it shall be his duty to attend to the proper execution of the said orders. It shall be the duty of the mayor, at least once a year, or oftener if he deem it necessary, to cause an examination of the accounts of each and every person who receives or disburses any of the money of the city, and every person shall give the said examiner aid and assistance in such examination if requested, and said examiner shall make a report of such examinations to the mayor, and the mayor shall transmit the same to the city council. The person employed by the mayor to make the examinations required in this section, shall receive such compensation as the city council shall decide. He shall also require all officers of the city having charge of any city property, at the close of each fiscal year to make and return to the city council a full inventory of all such property in their hands or control, respectively, and the mayor shall perform all such other duties as may not be inconsistant with the laws of this State or city ordinances.

Report of finance committee.

SEC. 53. Be it further enacted, That the committee on finance of the city council shall at once upon the approval of this act, submit to the city council a statement of the probable revenues of the city up to the first of October, 1893, and recommend the amount to be appropriated for each department of the city government to said date, reserving, however, not less than ten per cent. of said estimated revenue unappropiated; and the city

council shall act upon said report as required as to annual reports of the said committee, and the mayor, city clerk and treasurer shall perform the same duties in reference to said action of the city council as is herein required, as to the action of the city council on the annual report and recommendation of said committee of finance; and at the second regular meeting in October of each year the annual reports of all city officers shall be submitted to the city council, and the committee on finance shall then submit to the city council a statement of the probable revenues of the city and probable expenditures of each department of the city government for the fiscal year, and recommend the amount to be appropriated to each department, reserving, however, in the city treasury not less than ten per cent. of the gross estimated revenue of the city unappropriated; and the city council shall act upon said report, and shall fix the amount of city funds to be expended by each department of the city government by resolution or ordinance, but said resolution or ordinance shall take the same course after its passage by the city council, as is herein provided as to ordinances generally; and when a resolution or ordinance fixing the amount of city funds to be expended for the different departments, shall have the approval of the mayor, it shall be the duty of the city clerk and of the treasurer to make a note of the adoption of such resolution or ordinance, and of the amount appropriated to each department for the year in which the same is adopted. It shall be the duty of the city clerk and said treasurer to keep a separate account with each department of the city, and to see that no money in excess of the amount appropriated is drawn from the city treasury for any department of the city government, unless the city council, on the fact of the appropriation being exhausted being made known to them, shall make an appropriation of some additional amount in the manner above set forth. The fiscal year shall begin with the first day of May in each year, but the city council may prescribe a different time for the fiscal year and may change the time for the annual and other reports herein required.

Annual reports, etc.

Separate department accounts.

Fiscal year.

SEC. 54. Be it further enacted, That all other officers, employes or agents of the city, except such as are elected by the city council, may be removed at any time by the mayor for cause satisfactory to him, and the said

Removal of officers.

officer, employe or agent so removed, shall at once cease his duties and deliver up all property of the city in his possession or under his control, to such person as the mayor may designate in writing. The removal of any such officer, employe or agent, with the reasons therefor, must be reported to the city council at the next regular meeting thereof by the mayor, and the mayor shall proceed within ten days to fill the vacancy in accordance with this act.

City clerk.

SEC. 55. Be it further enacted, That a city clerk shall be elected as herein provided whose term of office, salary and duties shall be as prescribed in this act and the ordinances of said city not inconsistent herewith. All claims, requisitions and demands against the city shall be presented to, examined and audited by the city clerk, who, after auditing the same shall certify thereon the amount due, or the true state of such claim, requisition or demand and shall submit the same to the mayor for his approval, and if approved by the mayor the city clerk shall issue a warrant on the city treasurer for the amount of such claims, requisition or demand stating in the warrant to what departments chargeable ; but if any claim, requisition or demand so submitted to the mayor shall be disapproved by him, or if he fail to approve the same, no warrant shall issue in payment thereof unless the city council shall approve such claim or demand by a vote of two-thirds of the members elected to said council, and the vote shall be noted on the minutes. This section shall include all bills for supplies furnished or work done, for the city, and no officer of the city shall be allowed for, or credited with any expenditure in his department unless the same shall have been authorized in the first instance, and is carefully itemized, and shall have been examined and audited and approved as above required. No requisition claim or demand and no bill for supplies or work, or any part thereof, shall be paid unless it is examined, audited and approved as herein provided and unless the amount required for the payment of the same shall be covered by appropriation by the city council for the department for which it is chargeable. Provided, however, the city council shall have power to change the mode of examining and auditing claims, requisitions and demands herein prescribed and by ordinance regulate the same.

Claims audited by clerk.

It shall be the duty of the city clerk to be present at

all meetings of the city council, to keep an accurate record of all its proceedings, to publish such pans thereof as the
Duties. council may determine, in some newspaper published daily in said city of Montgomery, which paper shall have been selected by the council, to collect all licenses and make assessments for city taxes, and he shall be the custodian of all city records, except as otherwise provided in this act or by the city council, and shall furnish to any person demanding the same certified copy of any and all public records in his custody and a certified copy of any papers filed with him by persons not connected with the city. Such certified copies shall be received as evidence in all the courts of this State if the original would be competent and legal evidence. For such service the person applying therefor shall pay to the city clerk for the use of the city council, fifteen cents per hundred words and one dollar for his certificate which must be under the seal of the city of Montgomery. It shall be the duty of the city clerk,
Clerk to publist appropriations. within three days after every council meeting, to publish in the newspaper selected as above provided, a statement of all appropriations made by the city council, showing the amount of said appropriations, for what purpose appropriated or passed.

SEC. 56. Be it further enacted, That the city shall have a seal of which the city clerk shall be custodian to be called the seal of the city of Montgomery which shall be affixed and attested by the city clerk, to all contracts in writing with or by the city whenever such contract or writing is signed on behalf of the city which seal may be changed at pleasure by the city council. The city clerk shall discharge such other duties, as the city council may prescribe.

SEC. 57. Be it further enacted, That a city treasurer shall be elected by the city council and whose term of
City treasurer. office shall be two years, whose duty it shall be to collect all taxes and assessments except licenses, to receive and keep all the money of the city and pay out the same only on warrant drawn by the city clerk. The mayor can remove the treasurer or suspend him and report the grounds of his removal or suspension to the council, who shall if they see fit sustain the mayor in his action and proceed to fill the vacancy. If they do not approve his action no vacancy shall occur. All moneys belonging to the city, received by any officer, employe or agent there-

for, either from collection for taxes, licenses, sale of bonds, fees, fines and penalties or otherwise, shall be deposited in the city treasury regularly once a day, unless otherwise provided by law or ordinance, and every officer collecting any money for the city shall file on the first day of every month in the office of the city clerk a sworn statement showing the amount collected, for what purpose and from what source collected, from whom collected and the date when collected by him, and the date when paid by him to the treasurer, during the preceding month, and all such reports shall be recorded. And it shall be the duty of the treasurer to report any failure to pay over money, and the duty of the city clerk to report any failure to make reports in accordance with the provisions of this section, to the mayor, but in case the mayor remits the fine after it has been collected and paid into the treasury the city clerk shall draw a warrant for said money whenever directed by the mayor, but all such payments must be reported to the city council.

Duplicate receipts to be given by treasurer.

The treasurer shall give duplicate receipts in all cases, one for the officer, agent or employe paying the money, and one for the city clerk which shall set out amount paid and from what it proceeds and to what account it is credited. His books shall at all times be open to the inspection of the mayor, city clerk or any member of the city council, or any person appointed to examine the same, and he shall make reports at such times as the council may designate.

Public biddings.

It shall be the duty of the city treasurer to advertise for sealed bids for the following purposes, to-wit: First, for publishing all ordinances and proceedings of the city council, and other printing ordered by the city. Second, for furnishing to the city all the fuel, brick, lumber and lime needed for the use of the city, and for furnishing such other things as the city council may direct, and shall advertise for bids for doing all such work as the city council shall determine to let out on contract; the award on each contract shall be made to the lowest responsible bidder, who will comply with such reasonable regulations that may be prescribed before the bids are called for. Where the contract to be awarded is for an amount less than one hundred dollars, the city treasurer shall award the same, but if for a greater amount, the advertisement,

bids and all papers relating thereto shall be forwarded to the city, council, who shall take such action as to them seems best. All bids on contracts shall be opened at; an hour and place to be stated in the advertisement for proposal's, in the presence of as many of the bidders as may desire to be present.

Treasurer to be purchasing agent.

The city treasurer shall be the purchasing agent for the city as to all ordinary and current articles and supplies, under such regulations as are herein prescribed, and such others as the city council may adopt.

Purchases how regulated.

Whenever any committee of the city council or any officer of the city authorized so to do, shall make a requisition, properly audited and approved, on the city treasurer for any article or thing needed for the use of the city, it shall be his duty to give an order on a party who has a contract for furnishing such article or thing for the same, and if no person has a contract for furnishing to the city the article or thing needed, he shall send at once a list of the things needed to at least three persons in said city dealing in said articles or things (if there be that many) with a request that each person answer at once at what price he will furnish each article needed, and on receiving , the replies of said persons, or failing to receive such replies, he shall give an order on the person agreeing to furnish such article or articles, or supplies at the smallest price, if a fair and reasonable price, or if two or more offer the same lowest price then on either, to the person making the requisition for the said article and the bills therefor shall be sent to the city clerk for auditing, and if found correct by him, shall be paid out of, the funds appropriated to the department of the city government making the requisition, but no member of the city council or officer or employe of the corporation shall be directly or indirectly interested in any work, business or contract, the expense or price or consideration of which is paid from the city treasury, nor shall any member of the city council or officer of the corporation be surety for any person having a contract, work or business with said city, for the performance of which security may be required. The city treasurer shall perform ;such other duties as the city council may direct.

City officials not to be interested in city contracts.

SEC. 58. Be it further enacted, That the annual reports of the city clerk and treasurer shall contain full and complete tables and facts in relation to receipts and expenditures of the revenue since the last annual report, and an exhibit of the condition of the several funds appropriated to the different departments, and other accounts on their books, and the balances shown as to each fund. Annual reports of clerk and treasurer.

SEC. 69. Be it further enacted, That there shall be elected by the people a city physician, whose duties shall be prescribed and salary be fixed by the council. City physiciau.

Physicians, mid wives and managers of all public and private hospitals shall immediately report to the city physician the name, age, sex, race and residence and date of death of such person who dies under his or her charge, and also report the name, sex, race and residence and date of birth of all children at whose birth they officiate, and said city physician shall keep a record thereof, which record shall be delivered to the city clerk by the city physician when his (the physician's) term of office expires, and shall be by the city clerk preserved among the records of the city, provided, that the city council may provide other or different means for registering deaths and births in said city, from time to time, as they may see proper. Report of deaths, births, etc.

SEC. 60. Be it further enacted, That the judicial department shall consist of the city council when sitting as a court of impeachment of the aldermen acting ex-officio as recorder or justice of the peace, the city attorney and the recorder and such officer as may prosecute for the city before the recorder's court.

SEC. 61. Be it further enacted, That a city attorney shall be elected by the city council, who shall be of good standing in his profession. He shall be the legal adviser for the city on all matters in which his advice may be necessary. He shall advise the city council, mayor, recorder, chief of police, all committees of the city council and all other city officials, and all registrars and inspectors of city elections, in writing, when required, as to all legal questions that may arise before them in relation to their duties, or in relation to the interest of the city in which they are directly engaged, and shall, from time to time, make such reports in relation to suits or other legal pro- City attorney. Duties.

ceedings in which the city is interested as may be required by the mayor or the city council. He shall represent the city within the State in all judicial proceedings, suits, actions and contestations in which it may have an interest, and shall, whenever directed by the mayor in writing, attend the recorder's court for the prosecution of cases therein, and shall represent the city in all courts wherein an appeal is pending from any judgment of the recorder, or alderman acting as recorder. He shall have the appointment of all assistance or assistant counsel, whom the city council may employ. He shall bold his office for a term of two years. No compensation other than a fixed salary shall be allowed him, which shall not exceed two thousand dollars per annum, except that when his duties call him away from the city, his reasonable expenses shall also be paid, and he shall perform all other duties which the council may require of him, not inconsistent with this charter or with the constitution and laws of the State of Alabama. He shall be subject to removal by the city council, and in the event of removal or a vacancy from any cause, the city council shall elect his successor for the unexpired term.

SEC. 62. Be it further enacted, That the city council
Recorder. shall elect one recorder, whose duties shall be such as are hereinafter defined, and such as the city council may require of him by ordinance not inconsistant with this act and with the laws of the State of Alabama. The term of office of the recorder shall be for two years. It shall
Duties. be the duty of such recorder to keep an office in said city, and to hear and determine all cases for the breach of the ordinances and by-laws of said city that may be brought before him, and it shall be his duty to make report at least once a year, under oath, of all fines, penalties and forfeitures fixed by him or by any alderman acting in his stead. Such recorder shall be vested with and may exer
Jurisdiction. cise in said city and within the police jurisdiction thereof, fall jurisdiction in criminal and quasi criminal matters, and may impose the penalties prescribed by ordinance for the violation of the ordinances and by-laws of the said city, and shall also have the power of an ex-officio justice of the peace; Provided, that in the absence from the city, death, disability or inability of the recorder, any alder-

man may act as such recorder. Such recorder may at any time be removed from office by the city council, but in case of such removal or a vacancy from other causes, a new election shall at once be held by the city council for the unexpired term. The recorder or aldermen of said city of Montgomery, trying any person for any violation of any of the by-laws or ordinances of said city council, shall upon the conviction of any such person, have power to fine or to imprison him or to sentence him to hard labor upon the streets or public works or in the work house or house of correction of the city, and in the event the fine and costs are not presently paid, to require the offender or person thus in the fault, to work out the fine and cost under the direction of the city authorities, allowing not exceeding one dollar for each day's service ; Provided, that no tine shall exceed one hundred dollars and no sentence to imprisonment or hard labor shall exceed six months; And provided further, that no female shall be required to work on the streets of said city, but the city council may provide by ordinance for hiring out within the police jurisdiction any female convicted of a violation of any city ordinance.

Removal.

Power to fine or imprison.

Proviso.

Females not to work on streets

SEC. 64. Be it further enacted, That in cases tried before the recorder or any alderman of said city, the city council may take an appeal without bond to the city court of Montgomery, and any defendant may also forthwith appeal to the city court of Montgomery by giving bond with good sureties, payable to the city of Montgomery, to be approved by the recorder or alderman trying the case, conditioned to be void if the defendant appears from term to term of said city court until discharged by law to answer to said charge, but unless such bond be given within five days from the date of the judgment of the recorder or alderman, then no appeal shall be allowed from such judgment. An appeal bond for more than three hundred dollars shall in no case be required, but when sitting as committing magistrate, any reasonable bond may be required. If such defendant fail to appear in said city court of Montgomery, when the case is called for trial, unless good cause is shown to the court for his absence or default, the city court of Montgomery shall enter upon a

Appeals taken.

judgment of forfeiture on the said bond against the defendant and his sureties, but such judgment may be set aside at any time during the term at which it is rendered, upon good cause being shown, and in case the defendant appears and judgment is rendered against him, unless the fine and cost are presently paid or judgment confessed therefor in favor of the city council of Montgomery by the defendant, with sureties in the same manner as provided in convictions for violating the State laws in the city court of Montgomery, must remand the defendant to the city authorities for punishment, and the clerk of said city court must in writing, notify the chief of police of the judgment of said city court, said notice to accompany the defendant when he is delivered to the city authorities for punishment, but if the judgment of the city court is only for a fine and cost, and if the defendant is ready to pay the same, the clerk of the city court may receive such fines and cost and discharge the defendant, but must, under a penalty of five per cent. per day thereon for failure to do so, pay the said money to the treasurer of the city of Montgomery within thirty days after he receives it ; his bondsmen shall also be liable for said penalty, and the amount thereof with the money collected, may be recovered by motion after three days notice. After the said prisoner has worked out the fine and cost due to the city, he shall be delivered to the sheriff of Montgomery county, to work out the cost incurred in the city court of Montgomery, for which sentence shall be passed on him at the time of rendering judgment against him, in the same manner and to the same. extent as if said cost had been incurred in a case of or violation of State law, unless the said cost are paid.

Judgment set aside.

Clerk of city court notify chief police.

Penalty for failure

Bondsmen liable.

SEC. 65. Be it further enacted, That from the judgment of said city court of Montgomery, the city of Montgomery or the defendant may appeal to the supreme court of the State. On the trial of any cause in any court, any code or book containing the by laws or ordinances of the said city of Montgomery, and purporting on the face thereof to be printed by

Appeals.

the authorities of the said city council, and any ordinance certified by the clerk of the city council to be a law, shall be received as evidence of the contents thereof without further proof.

SEC. 66. Be it further enacted, That the recorder, or alderman of said city of Montgomery acting as recorder, shall have original and concurrent jurisdiction of all misdemeanors committed within said city or within the police jurisdiction thereof, against the laws of this State, and whenever any offense against the by-laws or ordinances of the city is a misdemeanor against the laws of this State, but no finding or judgment of acquittal on conviction rendered by said recorder shall be a bar to a prosecution by the State. in any case where the facts or the offense charged constitute the offense a felony under the laws of the State of Alabama. In all cases where a person is convicted or acquitted before the recorder or acting recorder of an offense which is a misdemeanor under the laws of the State, such conviction or acquittal shall be a bar to a prosecution of such person for such offense before any State court, and in all cases where persons are brought before the recorder or acting recorder on a charge which is made a felony by the laws of this State, it shall be duty of the recorder or acting recorder, for investigation of the charge there is reasonable cause to believe that a felony has been committed, and that the defendant is guilty thereof, to bind such defendant over to appear before the city court of Montgomery, and to proceed in all respects in such cases as justices of the peace are required by law to proceed.

Recorder has concurrent jurisdiction.

Bound over to city court.

SEC. 67. Be it further enacted, That the recorder or alderman acting as recorder, shall have power to administer oaths, and to compel the attendance of witnesses, and to compel the production of papers and books, and shall have power to punish by fine not exceeding ten dollars and imprisonment not exceeding twenty-four hours, of any person in contempt court.

Powers of recorder.

SEC. 68. Be it further enacted, That the sheriff of the county of Montgomery and all ministerial officers,

Sheriff and others to obey aldermen in certain cases.

shall obey the mayor and recorder and all aldermen in all matters in which the said mayor, recorder or aldermen have legal authority and control, and shall faithfully execute the warrants, processes and orders committed to them for services according to their mandates, and it is made the duty of the jailor of said county to receive all persons committed by said recorder or alderman and the person or persons so committed safely to keep confined in close jail until delivered therefrom by due course of law.

Jailor to receive person convicted.

SEC. 69. Be it further enacted, That the city council shall have power to pass ordinances not in conflict with the laws of the State of Alabama for the punishment of any criminal offense committed in said city, within its jurisdiction, and all ordinances of said city for the punishment of any offense against said ordinance, unless the same be in terms restricted to the city limits, shall apply to the police jurisdiction as well.

Powers of city council.

SEC. 70. Be it further enacted, That the city council shall also have power to pass all laws needful for the issuance and execution of such warrants, and all ordinances necessary to compel any person sentenced to hard labor for the city, or upon the streets of the city who refuses or fails to work to perform such sentence.

Search warrants.

SEC. 71. Be it further enacted, That the city council is hereby authorized and empowered to work or to hire out all male persons convicted of violating any of the ordinances of the city, for the purpose of draining any swamp, marsh or pond or in building sewers under the same rules and regulations as such persons are now worked upon the streets during such term of service while working out their fines and costs or hard labor imposed upon them by the proper officers of said city; Provided, that such persons shall not be worked outside the police jurisdiction of said city a greater distance than two miles, and shall be returned to the city at least once each week, and while such per sons are being so worked they shall be under the police jurisdiction of said city, and generally to pass such by-laws

Hire out male convicts.

Within certain limits.

and ordinances not contrary to the constitution and laws of this State or of the United States, as the said city council shall from time to time deem necessary and proper to carry into effect the true intent and meaning of this charter, and for the well being of the inhabitants of the said city of Montgomery, and shall have the power to enforce, alter and repeal the same.

Chief police.

SEC. 72. Be it further enacted, That the chief of police shall be elected by the city council, for a term not exceeding two years, with the duties herein prescribed and such further duties and with such salary as the city council may determine, not to exceed eighteen-hundred dollars per annum. But the mayor shall have power to suspend or remove the chief of police and report the ground of his action to the council, which body shall proceed to consider the grounds of removal or suspension and if they approve the same, but not otherwise they shall declare the office vacant and proceed to fill the vacancy according to the provisions of this act.

Term.

Salary.

Mayor can suspend.

Council to ratify.

Police ex-officio constables.

SEC. 73. Be it further enacted, That the chief of police and officers of police, shall be ex-officio constables and shall be vested with and exercise in said city and within its police jurisdiction all the powers and authority of other constables in this State, and shall be liable to the same penalty and restrictions as are imposed by the laws of this State, upon the several officers with which they are invested.

Male citizens subject to patrol duty.

SEC. 74. Be it further enacted, That all male citizens over eighteen and under forty-five years of age, shall be liable to patrole duty, and to serve as guards or watch at such time and such manner as may be prescribed by the city council.

Council has power to punish for obstructing police officers.

SEC. 75. Be it further enacted, That the city council shall have power to pass ordinances for the punishment of all persons who in any manner obstruct any police officer or patrolman in the lawful performance of any of his duties in said city or its police jurisdiction or in the arrest of any person within said city or its police jurisdiction, and for the punishment of all persons who, when called upon by any of said officers to

aid in the arrest of any person in said city or its police jurisdiction, shall refuse to render assistance as required, and in all cases where any person is so called on and aids such officer or patrolman as required, such
Penalty for refusing to assist person shall not be liable to indictment or punishment in the courts of the State therefor, nor to punishment by the recorder or alderman of said city, nor shall he be liable to any damages in any civil action therefor provided, he does no more than is reasonably necessary to effect such arrest.

Sanitary duties SEC. 76. Be it further enacted, That it is made the duty of the chief of police and all police officers and patrolmen to examine the sanitary condition of all parts of said city, and to report promptly to the mayor any nuisance or accumulated filth found to exist in any portion thereof.

Chief police keep accounts moneys. SEC. 77. Be it further enacted, That it shall be the duty of the chief of police to keep a detailed account of all moneys collected by his office. He shall collect all fines, penalties or forfeitures imposed by the recorder or any alderman acting as recorder, and shall pay them over to treasurer on the day on which he collected the same, and the non payment of said moneys so collected shall be a cause for his removal. He shall
Must make monthly report. make report monthly to the city council through the city clerk, of all fines, penalties and forfeitures imposed and show by said report whether said fines, penalties and forfeitures remain collected or uncollected, and in the event of a remission or commutation of any fine, penalty or forfeiture by the mayor, his report shall so show.

Officer of police to serve one year on patrol. SEC. 78. Be it further enacted, That no person shall be appointed an officer of police (except the chief) unless he has before his appointment, served at least one year on said police force, and no officer or patrolman shall be appointed on the police force of said city (except that any person a member of the force at the time of the approval of this act may be retained if the chief of police so determines) unless-—l. He is
Qualifications of policemen able to read and write the English language understandingly. 2. He is a citizen of the State of Ala-

bama. 3. He has been a resident of said city of Montgomery during a term of one year next prior to his election or appointment. 4. He has never been convicted of any henious or infamous crime. 5 He is of good health and sound m body and mind. 6. He is of good moral habits and character. 7. He is under fifty years of age. The city council may prescribe such other qualifications as are not inconsistant with the provisions of this act. Such patrolman and officers of police as the city council may direct shall be appointed by the chief of police and shall hold their offices for such time and receive such pay as the council may by ordinance determine. The annual report of the chief of police shall state how much he has collected from fines, fees, penalties and forfeitures, and from other sources, how much he has paid into the treasury, also the amount of fines, forfeitures and penalties uncollected, and the reasons why they are uncollected. The chief of police shall be specially charged with the enforcement of all penal ordinances and sanitary regulations, and may detail and use the police force for such purposes, and he shall be vested with, and perform such functions and duties as may be prescribed by the city council not in conflict with this act or with the constitution and laws of the State of Alabama. He shall before entering upon the duties of his office take the oath required of other officers of said city and shall give bond with good and sufficient sureties, to be approved by the mayor, in the sum of two thousand dollars; Provided, that the provisions of this section shall not prohibit ,the city council electing inspectors of sanitary connections and sanitary condition of the city.

Appointment by chief of police.

Annual report chief police.

Other duties.

Oath and bond

SEC. 79. Be it further enacted, That all applications for members and officers of the police force of said city, except the chief of police (who shall be elected by the city council as herein provided), shall be filled by the chief of police, and it shall be his duty to select from such applicants, or otherwise, officers and patrolmen having the qualifications therefor prescribed by the ordinances of the city council, and this act, and it shall be the duty of the city physician to attend,

Applicant for policemen to be filed.

City physician to examine.

when notified by the chief of police and examine into the physical condition of such applicants. Any officer or patrolman of police may be suspended or removed by the chief of police, but the suspension or removal must be forthwith reported to the mayor with the reason therefor. The chief of police shall fill all vacancies in said police force with persons qualified as above.

Suspended or removed.

Mayor authorized to increase police force temporarily.

If, at any time, the mayor shall deem it advisable to increase the police force temporarily he shall notify the chief of police who shall select the requisite number having the qualifications prescribed by this act. But said increase shall not last longer than three days except by approval of the city council. The said city council is hereby authorized to confer authority upon the chief of police and such other officers of the police force as it may designate to administer oaths, and to issue warrants for the arrest of offenders against the laws of the State, or by-laws and ordinances of the city of Montgomery, returnable before the recorder or an alderman of said city acting as recorder.

SEC. 80. Be it further enacted, That when any officer or patrolman or police shall have good reason to believe and does believe that an offense has been or is being committed against the laws of the State or the ordinances of said city council, in any house, yard or building, and that the proprietors thereof, or any fugitive from justice, is concealed in any house, building or yard, and shall also have good reasons to believe and does believe that such offender against the laws of the State or the ordinances of said city council, or such fugitive from justice may make his escape unless immediately arrested, such officer or patrolman or police shall have authority to enter any such house; building or yard and forthwith arrest such offender or fugitive from justice, either in said city or its police jurisdiction without any warrant issued therefor, but in all cases of arrest hereunder such arresting officer shall immediately take the prisoner before some officer authorized to issue a warrant in the premises and make complaint in writing of the offense charged against the prisoner, and proceedings shall then be had as in other cases of arrests. If any officer or patrolman of police should be indicted or otherwise

Fugitive from justice.

Police authorized to enter premises.

Policeman competent to testify in own behalf.

called to account for such arrest, he shall be competent to testify in his own behalf, and shall be permitted to give the reason and information which actuated his conduct, and such reasons and information shall be received as evidence.

SEC. 81. Be it further enacted, That a commissioner of streets shall be appointed by the mayor, to be confirmed by the council, who shall be a skilled civil engineer and practical surveyor, and with the consent of the city council he may employ such assistance as may be necessary. He shall have supervision and general charge of all work done for the city, and of all work done on any street, highway or alley in the city, may direct the manner of performing such work, and the construction of all sidewalks, street crossings, bridges or other structures in or upon such street, may suspend any such work or construction as shall not conform to his requirements, or those of the city council, and shall take care that all contracts for any work or construction on behalf of the city are fully complied with. He shall do, or supervise and direct all engineering work necessary in connection with the sanitary system of the city, and all other municipal work and improvements the city council may require, involving a knowledge of civil or mechanical engineering. The salary of the commissioner of streets shall not exceed eighteen hundred dollars per annum, to be determined by the council. He shall appoint a superintendent of streets, whose salary may be fixed by the city council at a sum not exceeding twelve hundred dollars per annum, who shall employ, control and direct the; overseers and laborers upon the streets, at such wages as may be fixed by the commissioner of streets, and may dismiss the same on filing with the commissioner of streets a statement in writing showing the cause for such dismissal, and he shall see that all street laborers perform their work faithfully, and that all orders of the mayor and commissioner of streets as to street work and improvements are properly carried into effect. Such superintendent of streets shall also make out weekly pay rolls of the overseers and laborers under his charge, which pay roll shall be examined, audited, approved and paid as other claims against the city, except that upon approval thereof by

Commissioner of streets.

Duties.

Salary.

Superintendent of streets.

Duties.

Weekly pay rolls.

the mayor, or in the event of his failure or refusal to approve, then by the council, the treasurer may pay such overseers and laborers according to such pay roll, without any warrant being issued therefor by the city clerk. The commissioner of streets shall perform
Other duties. such other duties as may be prescribed by the city council or mayor. All surveys, profiles, plans and estimates made by him or his assistant for the city shall be the property of said city, and shall be carefully preserved in the office of said commissioner of streets, open to the inspection of city officers and parties interested, and the same, together with all
Must deliver books, papers and documents and instruments apper-
books etc. to taining to said office shall be delivered by such com-
successor. missioner of streets to his successor or to the city council at the expiration of his term of office. He
Subject to or- shall be subject alone to the direction and control of
der mayor. the mayor in the performance of all duties herein prescribed, and such as may be prescribed by the city council.

SEC. 82. Be it further enacted, That no officer, agent
Who eligible employe or attorney of any corporation having a con-
to office. tract with or franchise from the city council of Montgomery shall be eligible to the office of mayor, alderman, or any office or any employment in said city government, but this section shall not effect the right of any person now in office to serve out his present term.

SEC. 83. Be it further enacted, That in the event of a vacancy from any cause in any office of the city ex-
Vacancies. cept in such as is elective by the city council by the terms of this charter, or which is otherwise provided for, the mayor shall appoint some one to said office to
Mayor to ap- act until the council shall convene in regular session
point. and at the next regular meeting of the council after such appointment, the mayor shall communicate in writing to the council the cause of the vacancy, and the council shall proceed to the consideration of the Proviso. appointment in accordance with the provisions of this act, provided, that in case of a vacancy in the office of
Other special mayor, from death, resignation or other cause, the
Election to fill city council shall order a special election, after giving
vacancy. thirty days notice by publication in some newspaper published in said city of the same for the filling of the

vacancy, the election to be conducted under the provisions of this act, as nearly as may be, as a regular election in said city; and provided, that in case of a vacancy in the office of alderman for the ward in which the vacancy exists, a special election shall be ordered by the city council, twenty days notice thereof to be given by the mayor by publication in some newspaper published in said city, and said election shall be conducted as nearly as may be as a regular election in said city, and provided a vacancy occurs in the office of city clerk, treasurer or market clerk, from any cause, the vacancy shall be filled by the mayor, subject to confirmation by the council; provided, these last two provisions shall not go into effect until after the next regular election, in May, 1893.

Of aldermen.

Special election ordered.

Other city officers.

In effect.

SEC. 84. Be it further enacted, That the corporate limits of the city of Montgomery as now established, and as changed from time to time, shall constitute as school district separate and apart from the other school districts in Montgomery county. The management and control of the public schools in the city shall continue for the current scholastic year as now organized and conducted. Thereafter there shall be a city board of education, which shall consist of five members, who shall be qualified city electors and reside in the city, and shall not be members of the city council. It shall be the duty of the city council, as soon as practicable after the next municipal election, to elect five members of said board, who shall hold their offices respectively for one, two, three, four and five years, the term of the several members so elected to be assigned to them respectively by the city council at the time of such election, in such manner as the city council may adopt, and annually after such first election the city council shall elect one member of said board, whose term of office shall be five years, and in the event of a vacancy from any cause in the said board of education, the city council shall elect a new member to fill out the unexpired term. It shall be the duty of said board of education to prescribe and. pass upon the qualifications of and elect, subject to the confirmation by the council, the superintendent, and also elect principals

Boundaries of school districts

Duties of council to elect.

Terms of office

Duties of board.

and teachers for the public schools in the city, and they may hold annual competitive examinations of applicants for positions as principals and teachers in the public schools in said city, including principals and teachers in the schools who are candidates for re-election, and shall have the power to grant certificates of qualifications of different grades to all applicants who pass examinations, and shall have the power to adopt, and from time to time alter and repeal such by-laws, rules and regulations as they may deem proper for their own government and the government of the schools, and for the conduct of the business before said board, not inconsistent with the laws of this State or ordinances of the city council; said board shall have the control and management of said schools, and shall have the right to prescribe and make changes in the books to be used in said schools, and generally to regulate the course of instruction and method of teaching. It shall be the duty of said board to visit the schools at least once a month. Said board shall prescribe the terms of the principals and teachers, and within the limits of the fund appropriated or received for school purposes by the city, shall have the right to fix the salary of the superintendent at a sum not greater than two thousand and one hundred dollars, and the salaries of the principals and teachers, and may, at the pleasure of the said board, increase or diminish such salaries for the several positions, provided that the salary of no person occupying the position of superintendent, principal or teacher shall be increased or diminished during the term for which he (or she) was elected, and the term of office of the superintendent of schools shall be two years. It shall be the duty of said board to require the superintendent of public schools to keep full and accurate accounts of all moneys received and disbursed for the above schools; they shall report to the city council the amounts of all salaries as fixed by them, and the city clerk shall issue a warrant on the treasurer for the expenses of said department, other than salaries, only such amount as may be left of the total amount to the credit of said department after deducting the total amount of the salaries fixed. Said board shall have an exercise such other powers as may be necessary to give to such board complete control

of the public schools in the city, not inconsistent with the provisions of this charter. The said city council shall have the power to lease or build school houses, or to authorize the board of education so to do, and shall have the power to buy or lease lands for the purpose of building school houses, taking the deeds and leases to themselves and their successors in office, and also to purchase and furnish school buildings, and to make such appropriations and exercise all control they now exercise in respect to the maintenance of said city public schools, not inconsistent with the provisions of this act. The said school district shall receive its proportionate share of the public school revenue, and shall also receive all the taxes collected as poll taxes within the said district, for the use and maintenance of the public schools therein, and which shall be collected by the superintendent of schools, and by him paid to the city treasurer, and all other funds collected by him shall be paid to the City Treasurer who shall issue duplicate receipts for all such moneys received, one to be delivered to said superintendent and the other to be delivered to the city clerk. It shall be the duty of the city clerk and treasurer to credit the school department of the city with such payment, in addition to the moneys appropriated to said departments by said city council, as herein provided, and all funds so credited, shall be paid out on requisition of said board as other moneys in the city treasury are directed to be paid out. The said city council of Montgomery may appropriate out of the revenues of said city, in addition to the other funds provided for in this charter, such sums as they may determine for the use and maintenance of the said schools, and may also make such appropriations as may be necessary for the furnishing, lease and erection of school buildings, and the purchase and lease of lands on which to erect school houses. The said board of education may at any time remove said superintendent of schools or any officer or teacher therein, and said superintendent, officer or teacher of said schools, when removed, shall be inelligible for reelection during the term for which they were originally elected. All vacancies in the office of superintendent, principal and teachers shall be filled by said board of education.

Public schools

City appropriations.

Removal of school officers.

The superintendent of said public schools shall give bond in the sum of three thousand dollars. He shall personally;
School superintendent. overlook, supervise and manage the said public schools, under the direction of the said board of education; shall attend to the taking of the school census, (with such assistance as may be allowed him by the city council, to be paid for out of the money appropriated for the department of schools), which census shall be taken for said city in the month of April of each odd, year, and it shall further be the duty of said superintendent to make full and complete reports to the State superintendent of education and to said city council, and to discharge such other duties not inconsistent with this act as the said board of education may prescribe.

SEC. 85. Be it further enacted, That on the first Tuesday in May, 1893, and on the first Tuesday in May every two years thereafter, there shall be elected by the
Election city officers. qualified voters of said city, in the manner hereinafter provided, a mayor, twelve aldermen, a city clerk, a city physician, and a market clerk. The polls for such election shall be opened between the hours of eight and nine, a. m., and kept open until five, p. m. The term of office of the mayor, aldermen and city clerk shall commence at the expiration of the term of the present incumbents, and shall continue for a term of two years and until their successors are duly elected and qualified. But no person shall be eligible as mayor, alderman or city clerk, who is not a qualified elector of said city, and provided the mayor shall not be eligible to succeed himself a second time.

SEC. 86. Be it further enacted, That said election shall be conducted according to the law governing election for officers under the laws of this State except as otherwise declared in this act, but no person shall be entitled
Qualifications to vote at said election in said city, unless he possesses the qualifications mentioned in the 8th article of the constitution of this State, and shall have resided within the said city for five months, and in the ward in which he proposes to vote thirty days before the registration hereinafter directed and shall have caused himself to be registered in the ward of his residence in the manner hereinafter provided, and shall have produced and surrendered to the inspectors of the election at the polling place of said ward, the certificate of said registration hereinafter provided for.

SEC. 87. Be it further enacted, That at said election there shall be one or more polls open in each ward of said city. It shall be the duty of the mayor and city clerk to provide for .the opening of said polls and to give ten days notice by publication in two newspapers of said city, representing different political parties, if such exist, of the time of holding said elections, of the several polling places and names of the inspectors of election of each ward. The city council shall appoint the said inspectors who shall also perform the duties of returning officers. The number of said inspectors so appointed shall be three for each polling place in said city, or such other number as the city council may appoint, one of whom shall be a member of each political party, if practicable, and said inspectors shall be residents of the respective wards for which they are appointed. And if any inspector is absent at the time of opening said election, those present may fill the vacant places. If all are absent any three qualified electors of the ward may act.

Election polls.

Election inspectors.

SEC. 88. Be it further enacted, That at least ten days before the third Monday in March next preceding each election, it shall be the duty of the mayor of said city to appoint two citizens, residents of said city, to act as registrars of voters. The city clerk shall provide said registrars with separate registration books and lists for each ward, and an office or room, and said registrars shall commence registration on the third Monday in March, next preceding such election, and shall continue the same for twelve consecutive days, Sunday not included, from nine a. m. to five p. m. of each day, and such registrars shall give at least five days notice by daily advertisement in two newspapers published in said city, one of each political party, if such exist, and by posting notices, in at least two public places in each ward of their appointment, and of the time when and the place at which they will attend and make registration of voters as hereinafter required. Before registration is made of any applicant therefor, said registrars must be satisfied by personal knowledge or sufficient evidence, that such applicant has resided at least five months in said city, and thirty days in the ward of said city in which he proposes to register and vote and that he will be legally entitled to vote at the next ensuing election for said municipal officers of said city, according to the requirements of this act, and said registrars being

Election registrars.

so satisfied must thereupon place the name of such applicant upon the registration list of the ward in which such applicant resides, together with the place of his residence, describing the same by street and number of his house, or such other description as may easily be intelligible. The names of parties registered for each ward shall be placed upon the list of registered voters for the ward in which they reside, alphabetically, and be numbered in the order of registration, and said registrars must furnish each person so registered a certificate of his registration signed by both of said registrars, giving his name, age, place of residence, number of his registration and the ward in which he is registered. The right of any person to be registered as a voter may be challenged in the same manner as is hereinafter provided for the challenging of any person who may claim the right to vote at any municipal election of said city. And in case the said registrars are in doubt, and cannot agree on any matter pertaining to their duties as registrars under this act, then said registrars shall take the advice upon such matters of the city attorney. Said registrars shall carefully preserve the original registrations lists of the respective wards, and cause a correct copy thereof to be made, and shall certify said originals and copies over their signatures, and within three days after the closing of the registration shall deliver both said original and copies to the mayor of said city. For their services, said registrars shall receive

Compensation

three dollars each per diem for each day they have been actually therein employed, and it shall be the duty of said registrars to certify to the city clerk the necessary expenses attending said registration, which, together with the per diem of the said registrars, shall be paid out of the city treasury.

SEC. 89. Be it further enacted, That before enter-

Regisrars must make oath.

ing upon the discharge of their said duties, said registrars shall each make and subscribe an affidavit before some officer authorized to take affidavits, that they will faithfully and truly perform the duties by this act imposed upon them, and that they will honestly, without favor, fear or affection, and without reward or the hope thereof, cause registration to be made of all persons, who may personally apply therefor, and show that they are legally entitled to vote at the next ensuing election,

and of no other persons. Said affidavits shall be filed by said registrars in the office of the city clerk. For every wilful violation of their duty as such registrars, they shall be liable to indictment in the city court of Montgomery or circuit court of Montgomery county, Ala., and, on conviction shall pay a fine of two hundred and fifty dollars for the use of the city of Montgomery, besides the costs of prosecution, and in default of immediate payment of said fine and costs, or judgment confessed therefor, shall be sentenced to hard labor for six months, and the proceeds of such labor to be paid into the city treasury when collected.

Oath filed with city clerk.

Penalty.

SEC. 90. Be it further enacted, That the mayor of said city shall cause at least fifty carefully corrected copies of the registration list of each ward of the city to be printed, and shall furnish to each of the inspectors of election in each ward, one printed copy of the registration list of the ward in which he is to act as such inspector, to be used at such election. One of these printed copies shall be designated and used by said inspectors as the official copy, and shall be by them returned with the ballots cast at such election as part of their official returns, as hereinafter directed. It shall be the duty of the city clerk, at least fifteen days before said election, to post at the court house in said city, one copy of the registration list of each ward, and shall post a copy of the registration list of each ward at the polling places of the respective wards. The original of said list and a certified manuscript copy, as received from the registrars, shall, after the said printed lists have been prepared, be by the mayor deposited with the city clerk, to be preserved among the records,

Registration list to be printed.

Official copy.

City clerk to post up.

Deposited with city clerk.

SEC. 91. Be it further enacted, That the inspectors of election in the several wards shall not receive at said election the vote or ballot of any person whose name does not appear on the registration list of that ward, as furnished by the mayor, and who does not at the time of voting present and surrender to the inspectors of election his certificate of registration, issued to him under the provisions of this act to be by said

Receiving of votes.

inspectors then and there cancelled, and who does not, on demand, make satisfactory proof of identity with the person whose name may be on said registration list. For the purpose of such election, the printed lists furnished to the inspectors by the mayor, and hereinbefore designated as the official lists, shall be taken to be correct, but subject, if error be alleged, to be corrected by comparison with the original registration list of the ward, which, for that purpose, shall be in the custody of the inspectors at the time and place of such election. Upon the receipt of any vote by the inspectors, they shall forthwith draw a line with ink on the side official registration list, over the name voted. The said inspectors shall, immediately after the polls are closed, proceed to count the ballots and compare them with the poll lists of their respective polls, and certify the result of the election in their respective wards, to the city council of said city. They shall enclose the ballot cast in their respective wards, with the poll list and registration list of their respective wards, and the certificate of registration surrendered at the election, together with their said certificates of the results in the box in which is placed the ballots received at such election, and after carefully sealing the same, deliver said box with its contents, to the city clerk, who shall give to said inspectors his receipt for said box, stating in said receipt the condition of said box when received by him.

Printed list official.

Registration cancelled.

Votes counted and certified.

SEC. 92. Be it further enacted, That the city council of said city, or a majority of them, shall immediately after the delivery of the ballot boxes, poll lists and inspector's certificates of the respective wards, as hereinbefore required to said city clerk, proceed to open the said boxes, and within three days, by a count of the votes, and comparison thereof with the poll list, registration list and returns of the inspectors at the several ward polls, verify, and if necessary correct the said returns, and declare the election to their respective offices of the persons who shall have received the largest number of legal votes for the respective offices to be filled at said election, and shall give certificates of elec-

City council to Count votes and declare result of election.

tion by and through the city clerk to their offices to the persons so found to be elected. But if two or more persons have an equal number of votes for mayor, clerk or alderman, the city council shall determine who shall be mayor, clerk, or alderman as the case may be The said certificate of said election so issued by said city council, or by a majority of them, shall entitle the person So certified to the possession of their respective offices immediately upon the expiration of the term of their predecessors, so fixed by statute subject however, to contestation of their rights, as is now or may be provided by acts of the General Assembly. During such contestation, and until decision by the tribunal having jurisdiction under the statute, the official acts of such certificated officers about the business of their respective offices shall be good and valid, provided however, that before entering upon the duties of their respective offices such certificated officers shall take oath prescribed herein for city officials, and where official bonds are required by law, shall have executed said bonds with the security and in the manner prescribed by law.

Challenge o voters.

SEC. 93. Be it further enacted, That any person offering to vote at any municipal election in the city of Montgomery may be challenged by either of the inspectors, or by any qualified elector, and it is the duty of each inspector to challenge any person offering to vote whom he knows or suspects not to be qualified under this act as an elector. When any person is challenged if his ballot is not withdrawn, one of the inspectors must tender him the following oath:— "You do swear that you will fully answer all such questions as may be put to you touching your qualifications as an elector." The inspectors or one of them, must then examine him as to his qualifications under this act. They may also receive proof as to his qualifications other than the oath of the challenged party, and are hereby empowered to administer oaths to witnesses whom they may examine, and must admit or reject the ballot of the challenged party as his right may be shown, and if any person refuses to take the above oath, and to answer any of the questions propounded,

except such as may tend to criminate himself, his vote must be rejected.

Fraudulent voting.

SEC. 94. Be it further enacted, That any person who falsely personates another and thereby casts a vote to which he is not entitled, or attempts to cast a vote to which he is not entitled, or thereby obtains registration as a voter, to which he is not entitled, or attempts by such false personation of another to obtain such registration, or after having voted, at such election votes a second time, or attempts to vote a second time whether in the same ward or another or shall falsely cause his name to be registered as a person intitled to vote when he is not so intitled, or shall attempt to do so, or having once obtained registration in any ward, shall cause himself to be registered a second time, or attempt to obtain a second registration, whether in the same or another name or whether in the same or another ward, or shall aid or assist another not so entitled, knowing him not to be so entitled to vote, or to obtain registration as a voter, shall be guilty of a felony, and on conviction in the city court of Montgomery or in the circuit court of Montgomery county, shall be punished by imprisonment in the penitentiary or sentenced to hard labor for the benefit of the city of Montgomery for the space of not less than six months nor more than one year.

Effect of failure to hold election.

SEC. 95. Be it further enacted, That if the election hereinbefore provided for should not take place on the day appointed, the corporation shall not for that cause be dissolved, but the incumbent shall remain in office until their successors shall be elected and qualified. And it shall be the duty of the city council to fix some day, as early as convenient within one month thereafter, on which day the said election shall be held, which election shall be conducted in all respects as a regular election and the persons elected shall hold their office until the next general election, and until their successors are elected and qualified.

SEC. 96. Be it further enacted, That every officer of the city, and his assistants before entering upon the

duties of his office, shall take and subscribe an oath of affirmation before some person qualified to administer the same, that he possesses all the qualifications prescribed for his office by this charter, that he will support the constitution of the United States and of the State of Alabama, and the charter and ordinances of the City of Montgomery, and that he will faithfully demean himself in office. Official oath.

SEC. 97. Be it further enacted, That every officer or employe of the city, when required by law or ordinance to give bond, shall within fifteen days after his election or his appointment and before entering upon the discharge of the duties of his office, give such bond, payable to the city council to be approved by the Mayor, in such sum as shall be designated by ordinance conditioned for the faithful performance of his duties, and that he will pay over all moneys that belong to the city which may come into his hands as provided by law, which bond must be filed with the city clerk, and the city council shall have power to require, from time to time, such additional bond or bonds from such officers or employes as it may deem proper and all official bonds of the city officers shall be recorded in the office of the judge of probate of Montgomery county, on payment of the fees therefor, and it shall be the duty of the mayor to have said bonds so recorded. If any person elected or appointed to an office shall fail to take and subscribe such oath or affirmation, or give bond as herein required his office shall be deemed vacant. For any breach of the condition of said bond, suit may be instituted thereon by the city council, or by any person he, first securing the city against cost, in the name of the city council of Montgomery for the use of such person. A recovery on said bond shall not discharge the same unless such recovery be for the whole amount of said bond. Official bonds.

SEC. 98. Be it further enacted, That the mayor shall appoint subject to confirmation by the city council, all officers of said city, whose election or appointment is not otherwise provided for in this charter, subject to confirmation by the city council. Appointment and duties of officers.

SEC. 99.Be it further enacted, That all rights, title, claim and interest in the city of Montgomery, or in the city council of Montgomery now existing in and to all branches, all lands, tenements, hereditements, streets, roads, alleys, markets, buildings, and all goods, chattels, moneys, effects, debts, dues, demands, bonds, obligations, accounts, stocks, vouchers, and all property of whatever description and wherever situated, be and are hereby vested in the city council of Montgomery and their successors for the city of Montgomery as incorporated by this act. All ordinances of the city of Montgomery in force at the date of this act, which are not in conflict with the provisions thereof, are to be considered in full force and effect until altered, amended or repealed by the city council.

Effect of new charter.

All the present city officials, agents and employes shall continue in office, or in the service of the city, until the first election under this charter and their successors are duly elected and qualified, subject to removal and changes made pursuant to this charter. No prosecution, suit or claim, whatever, now pending or existing, or to be brought under existing laws shall in any manner be effected, impaired or altered by the enactment of this act. All the powers granted by this act shall be liberally construed in favor of the city.

Approved February 21, 1893.

No. 176.] AN ACT [H. B. 536.

To amend an act entitled an act to provide for the compensation of State witnesses in Mobile county, approved December 3rd, 1890.

Section 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled "an act to provide for the compensation of State witnesses in Mobile county," be amended so as to read as follows: Section 1. That from and after the passage of this act, all witnesses subpoenaed on part of the State in any criminal case to appear before the grand jury, or the

city court of Mobile, are allowed compensation as follows, to-wit: If the witness resides more than two miles from the court house of Mobile county he shall be entitled to seventy-five cents for each day's attendance and five cents for each mile to and from his residence by the usual traveled route, such mileage to be allowed only for but once going and once returning. If the witness does not reside more than two miles from the court house of Mobile county, he shall be entitled to fifty cents for each day's attendance, and to nothing more. The fact of residence of more than two miles from the court house, and the mileage, shall be proven by the oath of the witness before the clerk of the court, or when subpoenaed, before the grand jury, then before the foreman of the grand jury. The clerk of the court, or the foreman of the grand jury, as the case may be, shall in all cases give to each witness a certificate, showing therein the number of days he has attended, and if he is entitled to mileage, the number of miles he has traveled, and the amount of compensation to which he is entitled, which certificate shall be payable out of the county treasury. Provided, That the clerk of the court, or the foreman of the grand jury, as the case may be, shall not issue any certificate allowing mileage, or more than fifty cents for each day's attendance, unless the witness claiming the same shall make oath before the clerk of the court, or the foreman of the grand jury, as the case may be, to the effect that he resides more than two miles from the court house, and the mileage to which he is entitled.

Fees.

Mileage.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved February 10th, 1893.

No. 177.] AN ACT [H. B. 587.

To incorporate the Conecuh Guards, Company K, First Regiment, Alabama State Troops.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the military company known as the "Conecuh Guards, Company. K, First Regiment, Alabama

State Troops," of Conecuh county, State of Alabama, be, and they are, hereby declared a body corporate by the name and style of Conecuh Guards, and by said name and style the said company may sue and be sued, plead and be impleaded, answer and be answered in any court of law and equity in this State, and may have, hold, occupy and possess goods and chattels, lands and tenements, and may sell and transfer the same at pleasure.

Name and style.

SEC. 2. Be it further enacted, That this company may enact such by-laws, rules and regulations for the proper government as they may deem proper and good for said company that are not inconsistent with the constitution and laws of the State or the United States.

By-laws.

SEC. 3. Be it further enacted, That the members of said company shall be exempt from road duty and street tax. Provided, That such exemption shall only apply to the members of said company who can produce a certificate from the captain or other commanding officer of said company, showing that they have attended at least one regular company drill in each month.

Exemptions.

Approved February, 10, 1893.

No. 178.] AN ACT [H. B. 582

For the relief M. J. Sorrell and Berry Cantrell.

WHEREAS, M. J. Sorrell, of Chambers county, and Berry Cantrell, of Marion county, Alabama, are disabled ex-Confederate soldiers, and incapable of doing manual labor; and

WHEREAS, Their disabilities are such that they cannot be exempted from obtaining a license, under the general law, should they desire to peddle; therefore

Section 1. Be it enacted by the General Assembly of Alabama, That after the passage of this act M. J. Sorrell, of Chambers county, and Berry Cantrell, of Marion county, Alabama, be permitted to peddle in the State of Alabama, with a one or two-horse wagon, as they may desire, and without obtaining license therefor, any laws to the contrary notwithstanding.

May peddle without license

Approved February 10,1893.

No.179.] AN ACT [H. B. 653

To amend section four of an act entitled an act to amend an act to prevent stock from running at large in the several beats in Tallapoosa, Coosa and Elmore comities, and to authorize an election thereon, approved February 16th, 1891.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever thirty respectable freeholders, who are householders, in any beat in Tallapoosa, Coosa, and Elmore counties, shall petition of the probate judge of said counties, asking that an election be held in said beat, to decide whether in said beat stock shall be prohibited from running at large, the probate judge shall order an election in such beat, at the usual voting places, which said order shall be published twice in a newspaper published in said counties, and shall notify the public that an election will be held at the voting place in said beat not less than twenty nor more than thirty days from such publication, specifying the day of election to decide whether, in said beat, stock shall be prohibited from running at large. The probate judge shall also appoint two managers of such election, one of whom favor and the other oppose such law; at said election the qualified voters of the beat only shall be allowed to vote; those favoring the running at large of stock shall have on their ballots: "Stock at large." Those opposing shall have on their ballots: "No stock at large." Said ballots, at the close of the election, shall be counted by the managers, and the result certified to the probate judge within two days after the election. If a majority of the votes cast, as certified by the managers, are in favor of prohibiting stock from running at large, the said judge shall enter an order in the minute book of county commissioners to that effect, and shall at once publish said order in a newspaper published in said county, for two weeks, and sixty days after such publication the provisions of this act shall apply and be in full force and effect in such beat, and it shall be unlawful in such beat for the owner of any stock to permit such stock to go upon the lands or crop of another within the prohibited territory and for each willful violation of this section the owner of such stock shall be guilty of a misdemeanor, and upon con-

Petition for election.

Managers.

Order of probate judge.

viction of such offense shall be fined not less than
Penalty. five nor more than fifty dollars, and the term stock where it occurs in this act shall be held to include horses, mules, mares, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and pigs.

SEC. 2. Be it further enacted, That for the election
Contests. provided for in section one of this act, the judge of probate shall appoint two challengers, one favoring and the other opposing the law. If any contest arises as to the result of said election, the party so contesting shall file with the probate judge in five days after said election, his objection to granting the order prohibiting the running at large of stock, and shall give bond with sufficient security, to be approved by the probate judge to pay the cost of the contest. The said judge shall cause the sheriff to summon twelve jurors residing outside of said beat, who shall sit on the trial of
Trails. said contest, and said jury shall be sworn by said judge to render a true verdict, and on a day to be had at which said judge shall preside and conduct the same as other trials; the issue to be decided on such trials shall be: 1st. Was said election held according to the provisions of this act, 2d. Was the result for or against the stock law.

SEC. 3. Be it further enacted, That the election provided for by this act shall be held within the hours and under the rules governing general elections in this state. That the managers may administer to
How elections held. each an oath that they will conduct the election fairly and true certificates render to the probate judge; if either of them fail or refuse to serve, any other competent man residing in said beat may serve; Provided, there shall be but one election under this act in any one year; and any officer failing to perform his duty under this act shall be guilty of a misdemeanor, and upon conviction shall be fined one hundred dollars.

SEC. 4. Be it further enacted, That section 4 be amended so as to read as follows, so far as relates to Tallapoosa county: that whenever damage or trespass
Damages for trespass. has occurred it shall be lawful tor the injured party to confine such stock causing such damage or trespass, if

taken up while such damage or trespass is being done, or before such stock left his premises, and hold such stock until the damage is agreed upon by the parties, or paid by the owner of such stock. That for any damage done by stock running at large on such prohibited territory the owner shall be liable to the injured party in twice the amount of the damage done, to be recovered by suit before any court having jurisdiction, and any such judgment recovered shall be a lien on the stock so committing the damage, and the court entering a judgment shall enter therein an order that the officer executing the writ of execution, on said judgment, shall seize and sell the said stock for the satisfaction of the judgment.

SEC. 5. Be it further enacted. That the prosecution and civil action provided for in this act may be tried before any justice or notary public with justice jurisdiction, in the beat where the offense or damage occurs, and the amount of damage does not exceed fifty dollars. If justice of the peace or notary public is incompetent, or there is a vacancy in such office, then such trial shall be in the nearest beat in said county where no objection exists. For such trials and prosecutions said justice's court shall always be open, but three days notice shall be given to the opposite party. Before whom tried.

SEC. 6. Be it further enacted, That the petitioners shall pay the expenses of holding the election provided for in this act. Expenses.

Approved February 10, 1893.

No. 180. AN ACT [H. B. 684.

To provide for the more efficient working of the public roads of Greene county, and for the appointment of an Inspector of the Public roads of Greene county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the office of inspector of public roads

for Greene comity shall be created, arid that said inspector of public roads shall have the authority, and it shall be his duty to personally inspect every public road in Greene county, at least twice in each year, and to direct the character of work that shall be done on each road.

SEC. 2. Be it further enacted, That the said inspector of roads for Greene county shall furnish to each overseer of a public road in Greens county a written specification of the work that said overseer shall be required to perform on his road, not to exceed, however ten days time in the aggregate for one year of public road service. That said overseer shall have thirty days after the receipt of said notice in which to comply with the terms thereof. That a failure to comply with said order for thirty days after the receipt, by him of the order so made by said inspector shall be deemed a misdemeanor, and shall be reported by the inspector in his semi-annual report to the grand pry of Greene this clause, the defendant, if found guilty, shall be punished by fine not exceeding five hundred dollars. The inspector of roads shall have the authority to remove overseers failing to comply with such written instructions, and to appoint persons to fill such vacancies, who shall hold their office for the unexpired term of their predecessors in office, and notice of such appointment on such appointee shall be served by the

Specifications to overseers.

Vacancies.

SEC 3. Be it further enacted, That said inspector of roads for Greene county shall also inspect all public bridges in Greene county on any public road, and where there are structures erected by thy county, shall report er's court of said county. Those bridges not being erected at public expense, and needing repairs, shall be reported to the overseers of the respective highways on which they are situated.

Bridges.

SEC. 4. Be it further enacted, That said inspector of public roads shall report semi annually to the commissioner's court of Greene county the condition of each road in Greene county and the needed repairs on same, as

Reports.

well as the condition of the respective bridges on such public road, and be shall recommend to said court the necessary for the purchase of material for the building of any bridge, or any improvement thereon, as well as for the purchase of any necessary tools or road implements, not otherwise obtainable, and he shall also recommend any change in the public road-beds of the county, together with any new roads that he may deem advisable to be opened.

Change of apportionment.

SEC. 5. Be it further enacted, That the inspector of roads shall have the authority to change the appointment list of hands made by the apportioners of any precinct overseers giving notice of such change to the hands so changed, but such changes must be made in conformity,

Reports to grand jury.

SEC. 6. Be it further enacted, That the inspector of roads shall also be required to report to the grand jury of his county at its every sitting the condition of the made in writing, and also any failure on the part of any road overseer of the county to perform any of the duties incumbent upon him under the general road laws of Alabama.

SEC. 7. Be it further enacted, That road overseers, in the absence of instructions from the inspector of roads, shall work the roads of Greene county under the general laws of the State of Alabama.

SEC. 8. Be it further enacted, That at its first meeting in each year, beginning with the year 1894, the commissioner's court of Greene county shall elect a suitable person to fill the office above created, who shall and must possess the necessary qualifications for the proper discharge of the duties incumbent upon his office, said in- for each day actually spent in the discharge of the duties of his office, his time not to exceed one hundred terly out of the general fund of the county, upon a warrant drawn by the probate judge and marked with the approval of the court of county commissioners.

Approved February 10, 1893.

No. 181.] AN ACT [H. B. 966.

To authorize the mayor and aldermen of Birmingham to issue bonds of said city for an amount of not more than one hundred and fifty thousand dollars, for the purpose of building and constructing sewers in said city, and extending sewer mains leading from said city to such point as the board may deem advisable; and for building school houses and furnishing the same; and for paving and Macadamizing the streets of said city; and erecting and equipping fire department buildings, and making other permanent improvements in said city; and in improving the cemetery ground heretofore purchased by said city; and in paying whatever floating or outstanding debts said city may have on the first day of January, 1894, not to exceed fifteen thousand dollars ($15,000).

Section 1. Be it enacted by the General Assembly of Alabama, That the board of mayor and aldermen of Birmingham be, and the same are, hereby authorized, after the first day of January, 1894, to issue bonds of
Amount. said city of Birmingham to an amount not exceeding one hundred and fifty thousand dollars, or so much thereof as said board may deem necessary for the purposes hereinafter named, in denominations of not less than five hundred dollars each, and payable thirty years from the date of their issuance, with coupons attached, bearing interest at a rate not exceeding six per cent. per annum, and payable semi-annually, to bearer; said bonds and coupons being payable in gold of the present standard weight and fineness, in the city of New York, at some bank designated by the board.

SEC. 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall be
Record. signed by the mayor and countersigned by the treasurer of said city, and the seal of the city shall be affixed thereto, and the city treasurer must keep a correct record and account of all bonds issued and disposed of under this act.

SEC. 3. Be it further enacted, That said mayor and
Powers. aldermen of Birmingham are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted, and no technical informality or

irregularity, neglect or omission in the proceedings or record of said board shall in any wise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper, and at and after maturity thereof shall be receivable for all dues to the city in the way of taxes and otherwise.

SEC. 4. Be it further enacted, That the said mayor and aldermen of said city are hereby authorized to negotiate and sell such bonds, after the first day of January, 1894, as are issued by them by virtue of this act; that said bonds shall not be sold for less than par (one hundred cents on the dollar), and the proceeds of said bonds shall be paid over to and be kept by the treasurer of said city, to be used and applied in building and constructing sewers in said city, and in extending sewer mains leading from said city to such point as the board may deem advisable, and in building school houses and furnishing the same, and in paving or Macadamizing streets of said city, and erecting and equipping fire department buildings, and other permanent improvements in said city, and improving the cemetery ground heretofore purchased by said city, and in paying whatever floating or outstanding debts said city may have on the first day of January, 1894, not to exceed fifteen thousand dollars. Sale of bonds.

SEC. 5. Be it further enacted, That the use, payment and application of said money shall be under the direction of said board of mayor and aldermen of Birmingham, and the said treasurer shall be responsible for the safe keeping of the proceeds arising from the sale of said bonds, which may come into his hands in his official capacity, the same as for other city funds, and there shall be no commissions paid said city treasurer for receiving or disbursing the funds arising from the sale of the bonds named in this act, and said mayor and members of the board shall be held pecuniarily liable for any appropriation of the funds realized from the sale of said bonds, except as herein provided. Proceeds of bonds.

SEC. 6. Be it further enacted, That the bonds herein provided for shall have priority over all bonds of said city hereafter to be issued, and it shall be the duty of the mayor and aldermen of Birmingham to provide for the payment of the same, principal and interest, before providing for the payment of bonds which may hereafter be issued by said city. Priority of bonds.

Approved February 10, 1893,

No. 182.] AN ACT [H. B. 687

To establish a district in which stock shall not be allowed to run at large from the first day of February to the 15th day of November in each and every year; all that portion or territory of precinct No. 10, in Hale county, Alabama, in which district of a similar character do not now exist.

Section 1. Be it enacted by the General Assembly of Alabama, That all that portion or territory of precinct
Territory. No. 10, in Hale county, Alabama, in which districts of a similar character do not now exist, be and the same is hereby created and established as a district in which stock shall not be allowed to run at large, from the first day of February to the 15th day of November in each and every year.

SEC. 2. Be it further enacted, That the owners of the
When stock aken up. land or the persons cultivating the same in said district are authorized to take up any stock found running at large on the same between the first day of February and the 15th day of November, which stock they shall keep confined until called for by the owners thereof, to whom the stock shall be delivered upon the payment to the owner or cultivator of the land the following fees, to-wit:
Fees. For each horse, mule or animal of like kind, thirty-five cents per day, and for all other kinds of stock twenty cents per day, per head; Provided, The person taking up and holding such stock shall not be entitled to such fees unless after the first in which the stock was taken up, he shall feed, water and care for such stock in a just and fair way.

SEC. 3. Be it further enacted, That where damage
Suit for damages. has been done by stock running at large in said district to crops, fruit trees or other property, the owner of such crops, fruit trees or other property shall have the right to sue the owner of such stock for such damage as he may have sustained and shall be a lien on such stock doing the damage, paramount to all other liens, for the amount of such damage, which lien may be enforced by the court as liens in other cases.

SEC. 4. Be it further enacted, That in all suits or actions under this act, a justice of the peace of the precinct, or if there be no justice in the precinct, a justice

of an adjoining precinct, shall have jurisdiction to try the same ; Provided, the party against whom any judgment is rendered shall have the right of appeal to the next term of the circuit court of Hale county.
Approved February 10, 1893.

No. 183.] AN ACT [H. B. 356

To require the salary for the solicitor for the county of Montgomery and of his deputy to be paid by said county, and to dispose of the fees earned by said solicitor and his deputy.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the first day of January, 1893, the solicitor for the county of Montgomery shall receive an annual salary of three thousand dollars, to be paid monthly by said county of Montgomery, out of any funds in the treasury of said county. Salary.

SEC. 2. Be it further enacted, That said solicitor may appoint a deputy to represent him in the county court of said county, who shall prosecute all criminal cases before said court, and said deputy for such services shall receive six hundred dollars per year out of the fees assessed in said county court and paid into the county treasury, but in no case shall said deputy receive more than the solicitors fees earned and collected in said county court. Deputy.

SEC. 3. Be it further enacted, That all fees earned by the solicitor or his deputy in the circuit, city or county courts of said county, or in any court which may hereafter be established, shall be paid into the treasury of said county by the clerk of the city court of Montgomery, whose duty it shall be to collect said fees from the auditor in cases of conviction and sentence to the penitentiary, from the sheriff in cases where judgment is confessed, from the hard labor contractor, where the sentence is to hard labor for the county, and from the clerks of all other courts of said county, when said fees are paid by such clerks, and for his service in the collection of such fees, and their payment into the county treasury, the said clerk of the city court of Montgomery shall receive a commission of five per centum of the amount so paid by him. Dispositton fees.

SEC. 4. Be it further enacted, That within ten days after the adjournment of any term of the circuit, city or county courts of said county, it shall be the duty of the said solicitor to report in writing to the board of revenue of raid county the names of all persons convicted at said term, the offense of which convicted, the sentence and the date thereof, and the solicitor's fee earned in such cases, and it shall be the duty of the clerk of the city court of Montgomery to make reports quarterly to said board of revenue after said first day of January, 1893, of all such fees collected by him, and pay the same over to the treasurer of said county.

Solicitors' report.

SEC. 5. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved Feb. 10, 1893.

No. 184.] AN ACT [H. B. 828

To repeal an act to increase the fees of the county officers of Washington county. Approved February 19, 1867.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to increase the fees of the county officers of Washington county, approved February 19, 1867, be and the same is hereby repealed.

Approved February 10, 1893.

No. 185.] AN ACT [s. B. 414.

To authorize the purchase of the property and franchises of the Birmingham, Powderly and Bessemer Street Railroad Company at a sale of the same under a decree of the circuit court of the United States in the case of Mercantile Trust and Deposit Company of Baltimore, as trustee, et als, vs. The said Birmingham, Powderly and Bessemer Street Railroad Company to organize themselves into a corporation.

Whereas, a decree has been rendered by the circuit court of the United States for the Southern Division of the Northern District of the State of Alabama, in the case of the Mercantile Trust and Deposit Company of Baltimore, as trustees et als vs. Birmingham, Powderly and Bessemer Street Railroad Company, for the sale of the property and franchises of the said last named company; and Preamble.

Whereas, it is necessary to the proper use and enjoyment of said property and franchises by the purchasers thereof at said sale that they should be allowed to incorporate themselves and associates as hereinafter set forth; therefore,

SECTION 1. Be it enacted by the General Assembly of Alabama, That the purchasers of the property and franchises of the Birmingham, Powderly and Bessemer Street Railroad Company, at the sale of the same under a decree of the circuit court of the United States for the southern division of the northern district of the State of Alabama, in the case wherein the Mercantile Trust and Deposit Company of Baltimore as trustee Et al. are complainants and the said street railroad is .defendant, not less than three in number may organize a corporation entitling themselves, their associates and successors to all the powers, rights, franchises and capacities possessed and enjoyed by the said Birming - ham, Powderly and Bessemer Street Railroad Company. May Organize.

SEC. 2. Be it further enacted, That such purchasers must make a declaration in writing, signed by each of them, stating:

First, the corporate name and style adopted by them. Second, their names and places of residence, the capital stock of the proposed corporation and the number of shares into which it is to be divided. Third their purpose to organize a corporation under this act, the property purchased by them at said sale, the name of said corporation and the sale at which they purchased ; Fourth, such other matters as they desire to state, which declaration must be filed and recorded in the office of the judge of probate of Jefferson county, Alabama, and the probate judge of said county must issue to such purchasers, their associates and successors a certificate of incorporation in the manner provided under the general law for the incorporation of street railroad companies under the seal of his office, which must be recorded in his office and thereafter such corporation must be deemed duly organized.

Declaration filed with probate judge.

SEC. 3. Be it further enacted, That the purchasers of said property and franchises at said sale shall have, hold and enjoy all the rights, privileges and franchises possessed or enjoyed by the said Birmingham, Powderly and Bessemer Street Railroad Company; and shall also have authority to build, construct and operate such street railroads on its property as the said company shall desire, and on the property of others after condemning the rights of way, as herein provided for, and shall have power to connect the same with its road, beyond the corporate limits of the city of Birmingham, and to construct side track, turnouts, spurs and such other connections as it may see fit with other street railroads or other railroads running through or near the property of said company.

Powers.

SEC. 4. Be it further enacted, That the said purchasers when organized as hereinabove provided, shall have power and right to build, construct and operate its street railroads, across public roads and across railroads and street railroad tracks; Provided, that such public roads be not obstructed to travel, and said railroad and street railroad tracks be not damaged thereby in the manner of the construction and maintenance of its said road; Provided, that in crossing other rail-

Crossing other roads.

roads this company must agree upon terms for such crossing with such roads or may condemn the right to cross in manner and form as prescribed by law.

SEC. 5. Be it further enacted, That said purchasers when organized as aforesaid, for the purpose of constructing its street railroad, shall have the power to condemn the rights of way over private property outside the city of Birmingham, Powderly and Bessemer from one point to another upon payment to the owners of such private property just compensation therefor, and said company may proceed as now or hereafter provided by the constitution and laws of the State of Alabama for condemning and taking private property for railroads and other public uses. Right of way

SEC. 6. Be it further enacted, That the said purchasers, when organized as aforesaid, shall have authority to purchase, hold, sell and convey real estate and construct, rent and sell houses and other improvements, and to improve their land in such manner as they may deem fit. May hold property.

SEC. 7. Be it further enacted, That the said purchasers, when organized as aforesaid, shall have the right to invest their funds in the capital stock of any mining or manufacturing corporation or in the bonds of such corporations; Provided, the works of the same are located on the lands of said company. Investment of funds.

SEC. 8. Be it further enacted, That the said purchasers, when organized, as aforesaid, shall have power to sell or dispose of its railroad or any part thereof, to any person or persons, or may consolidate with any other street railroad company or land company upon such terms as may beer agreed upon. In case of such sale or other disposition of said railroad, or any part thereof, or of such consolidation as is herein permitted, the purchaser or successor in ownership of said railroad or any part thereof or the consolidated company shall have and exercise the same powers, rights and privileges as are conferred by this act upon said purchasers and in case of consolidation, such additional rights, privileges and powers as the company consolidating with it may possess; Provided however, That in no event shall the operation of said railroad company as a street railroad be discontinued. May consolidate with others.

SEC. 9. Be to further enacted, That the said purchasers, when organized as aforesaid, shall have power and authority to use in the operation of their railroad such locomotives and cars, freight and passenger, as are generally used by street railroad companies, and may transport upon its railroad, freight and passengers in the same manner as if they had been incorporated under the general statutes providing for the incorporating of companies for the purpose of constructing and operating railroads, and shall have the power and authority to use electricity or such other motive power as they may desire in operating their said railroad.

Approved Feb. 10, 1893.

No. 186.] AN ACT [H. B. 844

To amend the charter of the Bessemer Land and Improvement Company, relating to the capital stock of the Bessemer Land and Improvement Company, and authorizing the increase thereof.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Bessemer Land and Improvement Company shall have the right from time to time, as occasion may require, to increase its capital stock to any amount or amounts not exceeding the sum of one million dollars in addition to the capital stock of the company as now existing; Provided however, That before any such increase shall be made, the same shall be authorized by a meeting of the stockholders of the said company to be called after an advertisement inserted once a week, for four consecutive weeks, in some newspaper published in either of the cities of Bessemer or Birmingham stating the date and object of such meeting and the amount of which it is proposed to increase the capital stock, at which meeting a majority in interest of those holding the capital stock of the said company shall vote in favor of such increase, and the said stockholders at such, or any subse quent meeting, shall have authority to determine upon what terms and in what manner, and to whom the said increased capital stock shall be issued or to delegate such authority to the board of directors of the said company.

Increase of capital.

SEC. 2. An whereas, the said company has from time to time as authorized by its charter reduced its capital stock from the original amount of two million five hundred thousand dollars, to two million one hundred and forty-nine thousand and six hundred dollars, by the cancellation of its stock purchased or otherwise held for the benefit of the said company: Be it further enacted, That the said company is hereby authorized and empowered to reconsider and annul such action, and to re-issue the shares of stock so cancelled, as fully paid up stock of the corporation, provided that such action shall be authorized by a meeting of the stockholders of the said corporation called in accordance with the provisions of the first section of this act, at which meeting a majority in interest of the said stockholders shall vote in favor of such action. Re-issue stock.

Approved February 10, 1893.

No. 187.] AN ACT [H . B. 871

To incorporate the Pollock-Stephens Institute.

Section 1. Be it enacted by the General Assembly of Alabama, That C. S. Pollock, C. W. Stephens, and J. C. Morris and their associates and successors are hereby declared to be a body corporate under the name of Pollock-Stephens Institute, and as such may acquire and own property, real and personal, to the value of not more than five hundred thousand dollars, to be used for educational purposes, adopt and use a corporate seal, may sue and be sued, contract and be contracted with, conduct a female school and confer diplomas and degrees for excellence in scholarship.

SEC. 2. Be it further enacted, That said Pollock Stephens Institute shall have its school and principal place of business in or near the city of Birmingham, Alabama.

Approved Febuary 10th, 1893.

No. 188.] AN ACT [H. B. 831

To fix the time of holding the circuit court in the county of Bibb, and provide for the drawing of petit jurors for the second week of the court at the spring term, 1893.

Section 1. Be it enacted by the General Assembly of Alabama, That the circuit court of Bibb county, in the fifth circuit, shall be hereafter held on the thirteenth (13) Monday after the fourth Monday in February, and may continue two weeks, and on the fifteenth (15) Monday after the fourth Monday in August, and may continue two weeks; Provided, That the jury commissioners of Bibb county, shall, on the first Monday in April, 1893, draw for the second week of the spring term, 1893, from the jury box of said county, the names of thirty persons to serve as petit jurors, and the drawing and summoning of said jurors shall be done according to the jury law which is in force in said county.

Terms.

Approved February 10, 1893.

No. 189.] AN ACT [H.B. 909.

To amend Section Eight of an act entitled an act to provide for the more efficient working of the public roads of Morgan county, approved February 16th, 1891.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Section eight of an act entitled an act to provide for the more efficient working of the public roads of Morgan county, approved February 16th, 1891, be, and the same is hereby amended so as to read as follows: Section 8. Be it further enacted, That of the sum so appropriated and set apart, such an amount as the court of county commissioners may order or direct, shall be applied to the "county roads" by this act provided for, and the remainder shall be equitably divided among the several road districts hereinafter provided for, and when so apportioned by the

Apportionm'nt of funds.

court of county commissioners, shall be entered to the credit of the county roads and road districts, respectively by the county treasurer, and an account to be kept by him with said "county roads" and road districts, and the sum apportioned to "county roads" shall be paid out only on the order of the court of county commissioners, and the sums apportioned to the several road districts shall be paid out only upon the written order of the road commissioners, which order shall state specifically for what purpose the same is paid out, and the road district to which it is to be charged.

Approved Feb. 10, 1893.

No. 190.] AN ACT [s. 304.

To authorize the Board of Revenue and Roard Commissioners of Mobile county to increase the compensation of the Treasurer of Mobile county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the board of revenue and road commissioners of Mobile county be, and it is hereby authorized and empowered to increase the compensation of the treasurer of said county to a sum not exceeding twenty-five hundred dollars per annum.

Approved Feb. 10, 1893.

No. 191.] AN ACT [H. B. 681.

To better provide for keeping up the public roads in Escambia County.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, a superintendent of the public roads for the county of Escambia shall annually, at its regular meetings in February, be appointed by the commissioners court, to serve for the period of one year. Superintendet of roads.

SEC. 2. Be it further enacted, That the duties of said superintendent of public roads shall be:

Powers and duties of superintendent

1. To have control and supervision of the overseers and public roads of said county, and direct the manner of working said roads, subject only to such general rules and directions as may have been previously made and given him by such commissioners court.

2. To remove any overseer who shall fail or refuse to perform his duties or comply with any reasonable order of said superintendent, and appoint another in his place, and fill all vacancies in the offices of overseer.

3. To appoint the time for working such public roads, giving the overseer at least five days notice of the time appointed. To see that each hand apportioned to a public road, or liable to work thereon, has had the notice required by law, and in conjunction with the overseer, make a memorandum of all defaults, and to see that such persons as have sufficient excuses for failure to work at the appointed times, perform their equal share of road service at other designated times and places, to see that overseers and hands perform the duties required of them by law, and especially to report to the commissioners court and to the grand jury at their next sessions, the names of all overseers who fail to prosecute defaulting road hands as is required of them by law.

4. To contract for the building or repairs of small bridges and culverts, with the permission of said commissioners court, and contract for such timber and material as may be necessary for the building of causeways and culverts, and the erection of mile-posts and sign-boards.

5. To dismiss from service on the road any hand, whether working for himself or as a substitute, who shall fail to do good and sufficient work, or who shall hinder other hands, or who may be intoxicated, or who shall refuse to obey a reasonable order of the overseer or superintendent, and have such person proceeded against as though he had failed or refused to obey the notice to work said road.

6. To take good care of all teams and tools and implements turned over to him by the commissioners court, to use the same only in work on the public roads of the county, and to deliver the same back to the probate judge of said county at the expiration of his term of service.

7. To make reports to the commissioners court at its regular terms in April, August, November and February, showing all the amounts collected from persons paying money in lieu of work, with the names of all such persons, and the amounts paid out for labor on roads, material or repairs, and to whom paid, and amounts promised for work performed and material furnished under the contracts authorized by subdivision four of this section. Ibid.

SEC. 3. Be it further enacted, That any hand liable to service on a public road, may be exempted from work by himself or substitute by paying to the overseer or superintendent on or before the day appointed for commencing work, the sum of one dollar for each day he is warned to work for which the overseer or superintendent receiving it shall give his receipt, and it shall be the duty of the overseer and superintendent at once to hire other hands to work out the amount covered by such receipts, and the superintendent shall include in his quarterly report herein provided for all amounts so received and disbu rsed, from whom collected, and to whom paid. Exemptions from duty.

SEC. 4. Be it further enacted, That the commissioners court of said county shall purchase for the use of the county, and deliver to the said road superintendenttaking his receipt therefor, such tools, hoes, plows teams and other labor saving implements as in their judgment are useful in the construction or repairs of roads, in keeping with the financial condition of the county, and make reasonable allowance from time to time for the actual and necessary cost of the keep and repairs of same. Purchase of tools.

SEC. 5. Be it further enacted, That the commissioners court of said county may in its discretion, place under the control of the road superintendent, to be em-

ployed in work on the public roads, the able bodied male convicts sentenced to hard labor, for, the county, or any of them, making the necessary appropriations from time to time out of the general fund to pay the amounts earned by their labor for costs and witness fees as now provided by law.

Convicts.

SEC. 6. Be it further enacted, That the commissioners court of said county shall at its first meeting in February after the passage of this act, designate as many of the most important public roads in the county as said road superintendent can properly superintend, and from time to time add to this number, until all the public roads in the county are placed under his supervision. They shall make a record on the minutes of the court of the roads so designated, and furnish the road superintendent with a list of such roads.

Disignation of roads.

SEC. 7. Be it further enacted, That if the office of road superintendent should become vacant by death, resignation, removal or otherwise, the commissioners court at its next regular meeting thereafter, shall appoint a suitable person to fill the unexpired term. A road superintendent may be removed at any time by the commissioners court for neglect of duty, incompetence, drunkenness or other misplasance proven before them. A road superintendent, before receiving the county property, or entering upon the duties of his office, shall be require to enter into a bond in the sum of two thousand dollars with good and solvent sureties, to be approved by the probate judge, conditioned for the faithful performance of his duties under this act, and the commissioners court shall direct suit to be brought in the name of the county on his official bond for any breach of the condition thereof.

Vacancies.

Bond of superintendent.

SEC. 8. Be it further enacted, That the road superintendent shall receive a salary to be paid quarterly of not less than fifty nor more than seventy-five dollars per month, which amount shall be fixed and public notice thereof given at least thirty days before the day for making said appointment.

Salary.

SEC. 9. Be it further enacted, That no person or hand in Escambia county is liable to work any public

Number of days work.

road more than six days in any one year, not counting the days engaged in opening new roads.

SEC. 10. Be it further enacted, That there shall be assessed and collected as other county taxes are now assessed and collected the following taxes on vehicles, viz : On log and timber carts, one dollar and fifty cents; on four horse wagons, two dollars ; on two horse wagons, one dollar; on buggies and carriages, one dollar; on road carts, fifty cents. Taxes.

SEC. 11. Be it further enacted, That except so far as the same may be in conflict, with this act the general laws now in force in this State in reference to roads and highways shall be enforced in said county, and that all laws in conflict with this act, be and the same is hereby repealed, so far as the county of Escambia is concerned.

This bill not having been either approved or returned with objection to the house in which it originated within five days, Sundays excepted, after its presentation to the governor, has become a Jaw by operation of the constitution, on February l0th, 1893, and the governor therefore directs that it be filed in the office of the Secretary of State with the other laws.

No. 192.] AN ACT [H. B. 181.

To authorize and empower Wallace Morgan, Mary O. Morgan, and Leila Morgan, minors, to convey to Warren D. Nicholson, all their rights, title and interest in a certain lot of land in the town of Langston, Jackson county.

SECTION. 1. Be it enacted by the General Assembly of Alabama, That Wallace Morgan, Mary O. Morgan and Leila Morgan, minors, be, and they are hereby authorized and empowered to convey to Warren D. Nicholson all their rights, title and interest in and to a certain lot of land lying in the town of Langston, Jackson county, described as bounded north by lands of Elizabeth Tennell, south by lands of William Romons, east by lands of the M. E. Church, South, and west by lands of James A. Morgan, containing one and one half acres, such conveyance when properly execu-

ted and delivered, to have the same force and effect as if said minors were of full age.

This bill not having; been either approved or returned with objection to the house in which it originated within five days, Sundays excepted, after its presentation to the governor, has become a law by operation of the constitution, on February 15th, 1893, and the governor therefore directs that it be filed in the office of the Secretary of State with the other laws.

No. 193.] AN ACT [s. B 294

To provide for the term of office of tax collector of Lee. county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the term of office of J. S. Hair, tax collector of Lee county, Alabama, shall extend to and in-
Term. clude the tax year of 1896, and that lie is authorized and empowered to collect the taxes in said county for the tax years 1893 to 1896, inclusive, but said Hair shall execute bond before beginning to collect the tax of 1896 as tax collectors are required to give by law.

SEC. 2. Be it further enacted, That all laws inconsistent with the provisions of section 1 of this act, be and they are hereby repealed.

Approved February 11, 1893.

No. 194.] AN ACT [H. B. 876.

To regulate the sale of spirituous, vinous and malt liquors in the district of Opelika, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That in addition to the license now required by law to be taken out by all persons before selling spirituous, vinous or malt liquors, under the requirements
Amount of the general license law of the State, no person shall
license. sell any such liquors in the district of Opelika without first paying into the treasury of said district the sum of one thousand dollars for a license, for which sum the

Opelika police board shall issue a license, which shall entitle the licensee to sell -spirituous, vinous and malt liquors, both at retail and wholesale, at one place in said district, under the provisions of this act, for one year from the date of such license, and such license shall not be issued for a longer term than one year at a time. Provided, Before such license shall be issued the applicant shall give bond with good security, to be approved by the recorder of said district, in the sum of one thousand dollars, payable to said district of Opelika, conditioned that the applicant will, during the time he is licensed, keep a decent and orderly house of business, that no boisterous or riotous conduct will be allowed therein, that the laws of Alabama and the ordinances of the district of Opelika, relating to the liquor traffic in said district, shall be complied with by him, and in case of any breach of said bond by any act intentionally done, the amount thereof shall be liquidated damages and recoverable in favor of said district of Opelika, in the circuit court of Lee, Alabama. Any person who sells any of such liquors in said district of Opelika without first complying with the provisions of this section shall be guilty of a misdemeanor, and, on conviction, for each offense, shall be fined five hundred dollars, and may be sentenced to hard labor for the county for six months.

Conditions in license.

Penalty.

SEC . 2. Be it further enacted, That no person engaged in the liquor traffic in the district of Opelika shall keep open doors where liquor is sold, or sell the same, after ten o'clock at night or before six o'clock in the morning, or on the Sabbath day, Christmas day, any election day, or at any other time that the sale of liquor is forbidden by the general State law, and any person violating any provision of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred nor more than five hundred dollars for the first conviction, and for each subsequent conviction shall be fined five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than six months.

When liquor not to be sold.

Fines

SEC. 3. Be it further enacted. That any person licensed to sell spirituous, vinous or malt liquors in the district of Opelika, who shall sell any of such liquors to a minor, or knowingly to any person for a minor, or shall sell to any person of known intemperate habits, or knowing, to any

To whom liquor must not be sold.

person for such intemperate person, shall be guilty of a misdemeanor, and, on conviction of either of such offenses mentioned in this section, shall forfeit the license to sell such liquors, and shall be fined five hundred dollars, and be sentenced to hard labor for the county for six months, and the conviction of such licensee or his employe for a violation of any provision of this section shall operate a forfeiture of such license, in addition to the penalty.

Powers of Police board.

SEC. 4. Be it further enacted, That the Opelika police aboard and their successors in office shall have full power and authority to prescribe the place or places where liquor may be sold in said district, and to regulate and control the same in every way not inconsistent with the provisions of this act and the laws of the State.

Gaming prohabited.

SEC. 5. Be it further enacted, That there shall not be allowed in any house where liquors are sold in said district any game of any kind, and there shall not be kept in such house any billiard, pool or any other kind of gaming table, and no place in said district in which liquor is sold shall have any screen, blinds or such glass in the windows er doors as will obstruct the view from the outside, or any other obstruction of the view through the doors and windows from the outside during the hours such place is kept open for business. Any person violating any provision of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred nor more than five hundred dollars.

Loitering prohabited.

SEC. 6. Be it further enacted, That no person to whom license is issued shall allow drunken or disorderly persons to assemble or loiter in his place of business. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Position of saloons.

SEC. 7. Be it further enacted, That all places where liquor is sold in the district of Opelika shall front and be on a level with the street.

Acts repeated.

SEC. 8. Be it further enacted, That an act entitled an act to amend an act entitled an act to regulate the granting of license to sell vinous, spirituous or malt liquors in the district of Opelika, and Beat two, in the county of Lee, State of Alabama, approved December 6, 1886, approved February 26, 1887, and all other, both general and special laws, in conflict with this act be, and the same are, hereby repealed so far as the same applies

to or affects the territory embraced within the corporate limits of the district of Opelika, and this act shall take effect from and after its passage.

Approved February 10, 1893.

No. 195.] AN ACT [s. B. 311.

To re-open, declare and establish the Decatur and Somerville Dirt Road, the Decatur and Danville Dirt Road, and the Decatur and Moulton Dirt Road, lying within and across the corporate limits of the town of New Decatur, in Morgan county, as county roads.

WHEREAS, The corporate limits of the city of Decatur, in Morgan county, is surrounded by the town of New Decatur, in said county, there being only an imaginary line between the corporate limits of the city of Decatur and the said town of New Decatur; and

WHEREAS, The roads known as the Decatur and Somerville Dirt Roads, and the Decatur and Danville Dirt Road, and the Decatur and Moulton Dirt Road, were, for many years prior to the incorporation of said town of New Decatur, public roads and highways of Morgan county leading from the surrounding country into the business center of the city of Decatur; and Preamble.

WHEREAS, Since the incorporation of said town of New Decatur, the corporate authorities of said town have failed, neglected and refused to keep open, maintain and keep in repair said roads in and across the corporate limits of said town, and have allowed said roads to get out of repair and fall into disuse as highways, thereby cutting off all the approaches from the surrounding country to the city of Decatur, there being but one street open leading from said town of New Decatur into the said city of Decatur; and

WHEREAS, The city of Decatur is the county site of the county of Morgan, where the court house is located, and where all the courts of said county are held, and the public records kept, and where the railroad depots, the express office and the boat landings on the Tennessee river are located; and

WHEREAS, It is essential to the people of said county

of Morgan that said roads should be re-opened, so as to enable them to reach the court house and a market for their produce; therefore

Section 1. Be it enacted by the General Assembly of Alabama, That the roads known as the Decatur and Somerville Dirt Road, the Decatur and Danville Dirt Road, and the Decatur and Moulton Dirt Road, in Morgan county, where they lay within and across the corpor-
What roads to ate limits of the town of New Decatur, and up to the
be opened. corporate limits of the city of Decatur, in said county, be, and are, hereby re opened, declared and established as county roads of Morgan county, under the control of the commissioners court of said county, to be kept and maintained as other county roads in said county are kept and maintained. Provided, That nothing herein contained shall subject the inhabitants of New Decatur and Decatur to road duty on said roads, or either of them.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved Feb. 10, 1893.

No. 196.] AN ACT [s. 340.

Relating to the Tennessee Coal, Iron and Railroad Company, and to confer certain rights and powers on said Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Tennessee Coal, Iron and Railroad Company, a corporation doing business in this State, but created by and existing under the laws of the State of Tennessee, is hereby vested with, and after the passage of this act, shall have, possess and enjoy all of the rights, General pow- powers, privileges, franchises and immunities, which are
ers. now or hereafter may be conferred by the general laws of the State of Alabama, in corporations organized under the general laws of the State of Alabama, for mining, manufacturing or industrial purposes.

SEC. 2. Be it further enacted, That the said Tennes-

see Coal, Iron and Railroad company shall also have full power to lay off its land into lots, and parcels, and to lease, sell, donate and convey the same ; to make sales, donations or loans of its lands or other property, money or effects to individuals, or corporations, to build and construct railroads, tramways, dummy lines or toll roads, and to operate the same, taking for such carriage or transportation reasonable fare or tolls, and using such motive power as may be deemed best on the property of said company, or over such lines ; to build said roads or railroads in such directions as may be necessary or advisable in connecting separate parcels of the property of the company together, or in the conduct and management of the business of the company, or for such other purposes as it may find necessary.

May buy and sell property.

SEC. 3. Be it further enacted, That the said Tennessee Coal, Iron and Railroad company shall also have full power to build such furnaces, mills, factories, work shops, machine shops, foundries and all other industrial enterprises of all kinds, such as said company may deem for its interest, to invest the whole or any part of its funds or property in the capital stock or bonds of, and become a stockholder by subscription, either in cash or in property, real or personal, or by purchase of stock in any other corporation formed or to be formed, or in the bonds of such corporation, and to retain or dispose of such stock in whole or in part at pleasure, exercising while holding the same, all the rights and privileges and powers of stockholders in such corporations ; to lease, construct and operate, or to assist persons or corporations in such manner as the said Tennessee Coal, Iron and Railroad Company may deem advisable in leasing, constructing, owning and operating furnaces, mills, railroads, factories, workshops, foundries and other industrial enterprises of any kind, whether herein enumerated or not, and at its pleasure to incorporate the same ; to construct, rent, own and sell houses and other improvements, and to improve its lands in such manner as it may deem fit ; to develop power by electricity, and utilize the same, to erect wires for the transmission of such power to distant points, and to furnish and sell the same to other parties.

May build furnaces, etc.

Factories and shops.

SEC. 4. Be it further enacted, That the said Tennessee Coal, Iron and Railroad Company hereby is authorized

and empowered to locate, construct and operate one or more railroads of such guage and as many tracks as it may deem proper for its coal or iron lands or mines, ore beds, or coking ovens, coaling or coking grounds, manufactures, furnaces, or other places of business, which it now has, or may hereafter establish, for the operation of said works and mines, and for the transportation of material from any one of such points to any other, and for any other uses or purposes, in connection therewith ; and said company is also hereby authorized and empowered to locate, construct and operate one or more railroads from its mines, furnaces, or coke ovens, to any point or points on any stream or any navigable waters, and to such landings, wharfs or depots, as such company may choose to establish along or at the terminus of any such line or lines of railroad, and to engage in the carriage of persons, or property as a common carrier, and to charge rates of freight or tolls for the same, over said line or lines of railroads, and to contract for the use of and to lease and acquire by purchase any line or lines of railroad, that are now or may hereafter be constructed in this State, and to connect the same with its other line or lines of railroad, or to operate them separately, as it may see fit; to purchase, own, charter or hire tugs, barges, steamboats, and other kind of water-crafts, as well as own, use, lease and occupy all such wharves and landings as it may deem necessary and proper in the transportation of property of any kind, including the products of its mines, or manufactured products, on any of the navigable waters of the State ; to own and operate large lines or steamboat lines for the transportation of its products, on the navigable waters of this State, or on the Gulf of Mexico or adjoining waters ; and to use the same in the transportation of persons or of property, for the public, charging therefor reasonsonable rates of freight.

May own railroads.

Boats.

SEC. 5. Be it further enacted, That the said Tennessee Goal, Iron and Railroad Company shall have the right to condemn such property, rights of way or water sources, as may be necessary or advisable to enable said company to successfully construct, erect, and operate such railroads, water works, tramways and electric lights works ; said condemnation to be made in accordance with the methods of procedure provided by the ad quod damnum laws of the State of Alabama.

Right of way.

SEC. 6. Be it further enacted, That the said Tennessee Coal, Iron and Railroad company is authorized and empowered to unite and consolidate itself with any other corporation or corporations created by this or any other State, by a two-thirds vote of its stockholders, and form one general company, under such name and style as may be agreed upon and to issue and apportion the stock of such consolidated corporation, as may be agreed upon by said two-thirds of the stockholders in each of said corporations; and to take up. if deemed proper and best, the individual stock of each company, and to replace it with stock of the general company, in such manner and amounts as may be agreed upon by said two thirds of the stockholders ; Provided, that such consolidated company shall keep an office in the State of Alabama, and thereupon said general company shall be invested with all the powers and franchises heretofore belonging to each, and all of said corporations so uniting or consolidating ; Provided further, that the rights and remedies of creditors shall not be effected by such consolidation. Consolidation with other companies.

SEC. 7. Be it further enacted, That nothing herein contained, shall be construed as in anyway limiting or interfering with the rights, privileges and immunities which the said Tennessee Coal, Iron and Railroad Company, may now possess and enjoy, under the charter granted to it by the State of Tennessee. Present rights not affected.

Approved February 10, 1893.

No. 197.] AN ACT [s. 272.

To amend the confirmed charter of the Sheffield City Company, and to confer upon it additional powers.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in addition to the rights, powers and franchises now owned and possessed by said corporation under its confirmed charter, it is hereby authorized and empowered to borrow money for the purpose of carrying out the objects of the said charter; and may make notes, bonds or other evidences of debt, and May borrow money.

by a vote of a majority of its stock, had at a meeting called for the purpose, by notice in some newspaper published in the city of Sheffield, for thirty days, may secure the payment of such notes, bonds or other evidences of debt, by a mortgage or deed of trust on any or all of its franchise, and any or all of its property, both real and personal.

Approved Feb. 10, 1893.

No. 198.] AN ACT [s.ll6.

To repeal an act entitled an act to make the fees of bonded constables in the county of Lawrence and certain other counties therein named, the same as sheriffs' fees, when they perform the same or similar services, approved December 9th, 1890, so far as the same relates to the counties of Lawrence, Calhoun and Cleburne, Cherokee and Tallapoosa.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to make the fees of bonded constables in the county of Lawrence and certain other counties therein named, the same as sheriffs' fees when they perform the same or similar services, approved December 9th, 1890, be, and the same is hereby repealed, so far as the same relates to the counties of Lawrence, Calhoun, Cleburne, Cherokee and Tallapoosa.

Repealed.

Approved Feb. 10, 1893.

No. 199.] AN ACT [s.252.

To authorize the Court of County Commissioners of the county of Chambers to dispose of any surplus of the fine and forfeiture funds that are now or may hereafter accumulate in the treasury of said county of Chambers.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever any surplus of the fine and forfeiture fund of the county of Chambers shall accumulate in the treasury of said county to a greater sum than is necessary to meet the necessary demands upon said fine and forfeiture funds, the court of county commissioners of said county of Chambers, shall be, and they are hereby authorized to make an order, which order shall be entered upon the minutes of said court of county commissioners, requiring the treasurer of said county of Chambers to transfer such amount as they may deem expedient from the fine and forfeiture fund of said county of Chambers to the general fund of said county.

Disposition of surplus.

SEC. 2. Be it further enacted, That immediately upon the entry of such order upon the minutes of said court of county commissioners of said county, the judge of probate of said county shall cause a notice of such order and entry to be served upon the treasurer of said county of Chambers, within ten days from the date of entering such order, and thereupon the treasurer of said county shall forthwith transfer the amount set forth in such order and entry from the fine and forfeiture fund of said county of Chambers to the general fund of said county; and the amount so transferred shall become a part of the general fund of said county, and shall be used and disbursed in compliance with the laws now governing the disbursement of the general funds of said county.

Notice.

SEC. 3. Be it further enacted, That this act shall be so construed as applying to any surplus of the fine and forfeiture fund of said county of Chambers as may be now in the treasury of said county.

Fund now in treasury.

SEC. 4. Be it further enacted, That all laws and parts

of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved Feb 10, 1893.

No. 200.] AN ACT [s. 211.

To incorporate the Elyton Company.

Section. 1. Be it enacted by the General Assembly of Alabama, That H. M. Caldwell, F. M. Billing, Bolling Hall, James F. Woodward and D. S. Troy and their associates, be, and they are hereby constituted and private corporation by the name of the Elyton Company, and by that name may sue and be sued in the courts of this State.

Corporators.

SEC. 2. Be it further enacted, That said corporation shall have power to buy, sell and own real, personal and mixed property, to build, own and operate blast furnaces for the manufacture of pig iron, plants or establishments for the manufacture of steel, and industrial establishments or manufacturies of all other kinds whatever, including metal, wood and textile fabrics, and their products; also to build, own and operate railroads, tramroads and street railways, and to acquire the right of way for the same, as now or hereafter provided by law; and to take, own and hold the stock or bonds of any other corporation organized for any of the perposes hereinabove mentioned ; to borrow and loan money, to erect public or private buildings and rent out the same, and to do all other things not contrary to the constitution and laws of this State, which the corporation or its board of directors may deem conducive to the growth and development of the city of Birmingham; but nothing in this act shall be construed to authorize said corporation to engage in the business of banking or insurance.

Powers.

SEC. 3. Be it further enacted, That the capital stock of said corporation shall be ten million dollars, divided into shares of one hundred dollars each, and in all meetings of stockholders each share of stock shall be entitled to one vote. The incorporators above named may open books of subscription to the capital stock of said corporation at such time and place, and upon such notice as a

Capital stock.

majority of them may determine, and may call the subscribers together, and the corporation may be organized before the entire capital stock is subscribed ; Provided, that no stock shall be issued by said corporation except for money, or property actually received, or for work and labor done, as required by the constitution of this State and the general laws for the organization of business corporations.

SEC. 4. Be it further enacted, That said corporation may purchase the property, real personal and mixed, of the Ely ton Land Company. Provided, That such sale is made under the laws now in force, and nothing in this act shall be construed to impair or in any manner whatsoever to affect the rights of any stockholder of the Ely ton Land Company; and in the event of such purchase, if the purchase price is paid in whole or in part by the issuance of the capital stock of said Elyton Company for the property of the Elyton Land Company, each stockholder in the Elyton Land Company shall be entitled to claim the same proportion in the stock of the Elyton Company so issued and received for the property and assets of the Elyton Land Company, which his or her stock in the Elyton Land Company bears to the whole stock of that company.

Stock of Elyton Land Co.

SEC. 5. Be it further enacted, That upon calling together the subscribers to the capital stock of said Elyton Company, they may elect a board of directors, consisting of such numbers as the owners of a majority of the shares represented may deem expedient, which number may be exchanged at any subsequent annual meeting of the stockholders; the directors so elected shall hold their office until the first annual meeting of the stockholders, and until their successors are elected. The subscribers to the capital stock shall determine at their first meeting the time and place of the annual meeting of stockholders, but the same may be changed from time to time at any subsequent annual meeting by the vote of the majority of the shares represented. The board of directors, subject to the approval of the stockholders, may make such rules, regulations and by-laws for the government and conduct of the business of the corporation as may be deemed expedient, and may elect a president and such other officers as may be required; but the president and all other officers and employes of the corporation shall be

Directors.

Rules.

subject to removal by the board of directors at all times.

SEC. 6. Be it further enacted, That said corporation, after being duly organized, may issue as preferred stock such portion of its authorized capital not previously issued as common stock as may be deemed expedient; but no such preferred stock shall be issued without the consent of the owner of two-thirds of the stock of said corporation.

Preferred stock.

SEC. 7. Be it further enacted, That said corporation may pledge, hypothecate or mortgage its assets and property to secure any indebtedness for borrowed money or otherwise; but no mortgage of real or personal property shall be made without the consent of the owners of a majority of the stock of said corporation.

Mortgages.

Approved February 10, 1893.

No. 201.] AN ACT [s.99.

To amend Section 3216 of the Code of Alabama, as amended by an act to repeal Section 3210, and to amend Sections 3211, 3212, 3214, 3215, 3216 and 3217 of the Code, relating to the condemnation of lands for public uses, approved February 18, 1891.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Section 3216 of the Code of Alabama be amended so as read as follows: Section 3216. Order of Condemnation. The order of condemnation upon the payment of the sum ascertained and assessed by the verdict of the jury, or the deposit thereof in court for the defendant, shall vest in the applicant the easement proposed to be acquired for the uses and purposes stated in the application, but for no other uses and purposes. Provided, That if an appeal shall be taken by either party, then the person, corporation or association asking to acquire such right of way, upon the deposit in said court, for the party whose land is sought to be condemned, of the amount of damages so assessed, together with the costs of said proceedings, shall be entitled to enter upon said land and survey, construct and operate on said land for the uses and purposes stated in the ap-

Order of condamnation.

plication, but said easement shall not vest absolutely in said person, corporation or association until the final determination of the case and the payment or deposit in court of such damages as shall be then adjudged.

Approved Feb. 10, 1893.

No. 202.] AN ACT [H. B. 607.

To require a license from retail dealers of vinous, spirituous or malt liquors, who live and do business outside the corporate limits of the city of Huntsville, but within the police jurisdiction of said city.

SEC. 1. Be it enacted by the General Assembly of Alabama, That all retail dealers of vinous, spirituous or malt liquors, who carry on such business outside the present corporate limits of the city of Huntsville, but within the police jurisdiction of said city, shall be required to pay the same city license as other retail dealers of like character, who carry on or engage in a similar business within said corporate limits. Licenses.

SEC. 2. Be it further enacted, That any person carrying on such business after the passage of this act, without obtaining the license required by said city for other business of like character within the corporate limits of said city of Huntsville, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten dollars for each day said business is carried on without said city license, and it is hereby declared and provided that any license tax for the sale of intoxicating liquors or beverages outside the corporate limits of the city of Huntsville, but within the police jurisdiction of the same, shall be held and considered to be a police regulation and not a tax for revenue purposes when such license does not exceed two hundred dollars. Penalties.

Approved Feb. 10, 1893.

No. 203.] AN ACT [H. B. 799.

To change the name and amend the charter of the later-State Abstract Company of Mobile.

Section 1. Be it enacted by the General Assembly of Alabama, That the charter of the Inter-State Abstract Company of Mobile, a corporation organized under the laws of Alabama, on to-wit, the 3rd day of February, 1891, in Mobile county, be amended so as to read as fol-
Corpoators. lows: Section 1. Orville F. Cawthon, Edward S. Barnes, James E. Glennon and C. Lawrence Lavretta and their associates be, and they are, hereby created a body politic and corporate under the name of the Southern Abstract and Guarantee Company, and by that name or such other as the stockholders may, by majority vote, hereafter adopt, to have perpetual succession.

SEC. 2. Be it further enacted, That the principal place
Place of busi-of business of said corporation shall be Mobile, Ala-
ness. bama, with the right, however, to transact its business in any other county in the State of Alabama, and in any other state in which, by the laws thereof, it may be permitted to do so.

SEC. 3. Be it further enacted, The said company is hereby authorized to secure from the public records, transcripts, and abstracts pertaining to or affecting transfers of, and titles to lands and other property, and to furnish copies or abstracts thereof to persons desir-
Powers and ing the same, and to examine by its officers or agents,
duties. titles to lands and the same to certify under such terms and conditions, and for such compensations as may be agreed upon; to guarantee or insure the validity of titles, or the enjoyment of quiet possession of property, real or personal, and to receive for all guarantees made, and all services rendered by it, such reasonable fees, premiums, compensation or consideration as may be agreed upon between the said company and those with whom it may contract; to take and hold title to such real and personal property as the nature of its business may require, or for investment of its guarantee funds, and the same to sell and convey.

SEC. 4. Be it further enacted, That said company is authorized to consolidate with any other com-

pany, having of the powers herein conferred, upon terms to be agreed on by the consent of the stockholders holding respectively two-thirds of the capital stock of said companies, or said company may subscribe to the capital stock of any other company authorized to make and certify abstracts of title, or guarantee titles to lands; and such consolidated company shall have such of the powers of the separate companies as may be agreed on in the articles of consolidation. Any such articles of consolidation shall be filed with the secretary of the State.

May consolidate.

SEC. 5. Be it further enacted, That the capital stock of said company may be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, but said company may do business when two hundred shares are duly subscribed and fully paid. At all meetings the stockholders may be represented by proxy.

Capital stock.

SEC. 6. Be it further enacted, That said company may appoint such officers or agents as may be deemed necessary, and make such by-laws, rules and regulations for the transaction of the business, and the management of its affairs, and the use and disposition of the property and transfer of the stock as it may think desirable, and which may not conflict with the laws of this State.

Officers.

SEC. 7. Be it further enacted, That said company is authorized to borrow money, and to mortgage or otherwise convey or pledge its property, real or personal, and its franchises or some part thereof, to secure the payment of the money so borrowed, or for any debt contracted by it. Said company may also increase its capital stock from time to time, but all such increase of bonds or stocks shall be approved by a majority of the stockholders at a special meeting called for that purpose, after thirty days notice, given as required by section 1664, and 1667, of the Code of Alabama, as heretofore, or as the same may be hereafter amended. All new stock shall be offered for thirty days to the old stockholders, before the same can be placed with other persons.

Mortgages.

SEC. 8. Be it further enacted, That the business affairs of said company shall be managed by a board of
Directors. directors consisting of not less than three, nor more than seven persons to be elected annually by the stockholders and to hold office for twelve months and until their successors are elected and qualified. Vacancies in the board must be filled by the remaining directors. The said board of directors shall have power to elect or appoint all officers, agents and servants, and to remove them at pleasure, fixing their compensation, and prescribing their duties, and to exercise such other powers as may be delegated to them by the by-laws adopted by the stockholders. The stockholders of the
Meetings. company must meet annually at such time and place as may be fixed by the by-laws of said company, but special meetings may be called at any time by the board of directors or a majority of the members thereof, upon such notice as the by-laws of said company may prescribe.

SEC. 9. Be it further enacted, That the said com-
Guarantee department pany must by its by-laws establish a separate guarantee department, and a separate fund to secure its contracts of guaranty, and may provide that any contract of indemnity given under the authority of this charter
Preferred claims. shall be a prior claim against, and payable out of, the said guarantee fund in preference to any other claim against, or debts of the said company, and the said company is hereby required to put at least ten per cent. of the capital stock of said company into said fund, or any of its profits or earnings, and to invest said fund in bonds or mortgages, or in United States, State, county or municipal bonds, or the first mortgage bonds of any corporation, which is not in default. And any portion of the fund or assets so set apart as a guarantee fund shall not be diverted therefrom nor be transferred to the general assets of the corporation without the vote of the majority of the stockholders duly had at a meeting called for that purpose; but the establishment of any guaranty fund shall not exempt any of the assets, or property of the company from the payment of any contract of guaranty or indemnity.

SEC. 10. Be it further enacted, That the organization of the said Inter State Abstract company of Mobile, heretofore had, and the purchase of said company of the books, plans, maps, and assets of the Mobile Abstract and Land Title Company are hereby ratified and confirmed. Previous organization confirmed.

Approved Feb. 10, 1893.

No. 204.] AN ACT [H. B. 424.

To repeal an act entitled an act to prohibit the sale, giving away or otherwise disposing of alcoholic, vinous, or malt liquors or other intoxicating drinks, or fruits preserved in alcoholic liquors, within five miles of the academy in the town of Hillsboro, in Lawrence county, and other places therein named, in so far as the same relates to the towo of Hillsboro, in the county of Lawrence, or within five miles thereof.

SECTION 1. Be it enacted by the General Assembly of Alabama That section one of an act entitled an act to prohibit the sale, giving away or otherwise disposing of alcoholic, vinous or malt liquors, or other intoxicating drinks, or fruits preserved in alcoholic liquors, within five miles of the academy in the town of Hillsboro, in the county of Lawrence, and other places therein named, be, and the same is hereby repealed, so far as the same relates to the academy in the town of Hillsboro in Lawrence county or within five miles thereof.

Approved Feb. 10, 1893.

No. 205.] AN ACT [H.B.796

To provide for and regulate contests of elections to offices, State and county, herein named.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the election of any person declared elected to the office of senator, or representative to the general assembly, or to the office of chancel lor, or judge of the circuit court, or to any office which is filled by the vote of a single county, or to the office of justice of the peace, or constable, may be contested, according to the provisions of this act, by any person who was at the time of either of the said elections, a qualified elector, for any of the following causes:

Cause of contests.

1. Malconduct, fraud, or corruption on the part of any inspector, clerk, returning officer, or board of supervisors.

2. When the person whose electi on to office was not eligible thereto at the time of such election.

3. On account of illegal votes.

4. On account of the rejection of legal votes.

5. Offers to bribe, or bribery, or other malcondnct calculated to prevent a fair, free and full exercise of the elective franchise.

SEC. 2. Be it further enacted, That no malconduct, fraud, or corruption on the part of any inspector, clerk, returning officer or any board of supervisors, nor any offer to bribe, or bribery, or other malcondnct, can annul or set aside any election unless thereby the person declared elected, and whose election is contested, be shown not to have received the highest number of legal votes. Nor must any election be annulled or set aside because of illegal votes, unless it appears that the number of illegal votes given to the person whose election is contested, if taken from him would reduce the number of legal votes to, or below the number of legal votes given to some other person for the same office. And no election must be annulled, or set aside because of the rejection of legal votes, unless it appears that such legal votes, if given to the person intended, would increase the number of his legal vote to, or above those received by any other person for the same office. No testimony must be received of any illegal votes, or the rejection of any legal votes,

When election not annulled.

in any contested election, unless the party complaining thereof, has given to the adverse party notice in writing of the number of illegal votes, and by whom given, and for whom given, and at what precinct or voting place cast, or the number of legal votes rejected, and by whom offered, and at what precinct or voting place, which he expects to prove on the trial. Such notice must be served personally, or left at the residence, or usual place of business, of the adverse party, at least ten days before the taking of the testimony in reference to such votes.

SEC. 3. Be it further enacted, That when any elector chooses to contest any election he must make a statement in writing setting forth specifically:

1. The name of the party contesting, and that he was a qualified voter when the election was held.

2. The office which said election was held to fill, and the time of holding the same.

3. The particular ground or grounds of said contests; which statements must be verified by the affidavit of such contesting party to the effect that the same is believed to be true. If the reception of illegal votes is alleged as a cause of contest, it is a sufficient statement of said cause to allege that illegal votes were given to the person whose election is contested, which, if taken from him, will reduce the number of his legal votes to or below the number of legal votes given to some other person tor the same office.

Statement of contestee.

All contests of elections must be commenced within twenty days after the result of the election is declared, except as herein otherwise provided ; and at the time of commencing such contest, and of the filing of the said statement in writing, the party contesting must give security for the cost of such contest, to be filed and approved as is hereinafter provided.

SEC. 4. Be it further enacted, That it shall be the duty of the judge of probate to deliver to either party, on his application copies of the poll lists which have been filed in his office on being paid therefor the legal fees for transcribing and certifying the same ; and such copies, duly certified, are presumptive evidence of the facts therein stated, and that the person or persons therein named, voted at the election and precinct therein named. Any person examined as a witness may be required to answer if he voted at such election, and to answer touching his qual-

Copies of poll lists.

ifications, except as to his conviction of any offense which would disqualify him. If he was not at such election a qualified voter, he may be required to answer for whom he voted. But if he should thereafter be prosecuted for voting illegally at such election, his answer to such question shall not be offered, or received in evidence against him.

SEC. 5. Be it further enacted, That if there be a contest of the election of a senator or representative to the general assembly, the elector contesting must file in the office of the clerk of the circuit court of any county of the senatorial district, if such contest be of the election of a senator, or for the election of a representative, in the office of the clerk of the circuit court of the county in which such election was held, a statement in writing of the ground or grounds of contest, as provided in section three of this act, and must give good and sufficient security for the cost of such contest, to be taken and approved by the said clerk; of which statement in writing, the person whose election is contested must have ten days notice upon the taking of testimony, by the service on him of a certified copy of such statement, by the sheriff or a constable of the county, and such sheriff or constable must indorse on the original the fact of such service, and such endorsement is presumptive evidence of the fact.

Testimony.

The testimony in such contest must be taken by deposition under commission issued by said clerk, which commission must issue on the party applying for the same, making and filing an affidavit stating the name or names of the witnesses, the place of residence of such witness or witnesses, and that the testimony sought and expected is material. The depositions must be taken on interrogatories filed in the office of said clerk, after making and filing the said affidavit, of which interrogatories and affidavit, and of the names and residence of the commissioner or commissioners proposed to be appointed, ten days notice must be given the adverse party, by service on him personally, or by the leaving at his usual place of residence, or usual place of business, by the sheriff or a constable of the county, of a copy of said interrogato-

ries and affidavit, appended to which interrogatories must be notice of the name and residence of the commissioner proposed to be appointed ; and within the said ten days such party may file cross interrogatories. To which the party filing the interrogatories may file rebutting interrogatories ; and thereafter the commission may issue. Of the time and place of taking the depositions, the commissioner must give each party five days notice in writing, which notice may be served by the sheriff, or by a constable of the county. And if the witnesses reside, or are to be examined within the county, the adverse party is entitled to demand that they be examined orally, separate and apart from each other, on giving notice within the ten days allowed him to file cross interrogatories that such examination is required, and if such notice be given the commission issued must not be accompanied by the interrogatories filed, and must authorize and direct the commissioner to examine said witnesses orally, separate and apart from each other, after giving each party five days notice of the time and place of such examination.

In the execution of all commissions to take testimony under this section, the commissioner must conform to and observe the requirements of the statute touching the taking of depositions in civil suits at law ; and has, and may exercise all the power and authority by the statutes conferred on commissioners. And against defaulting witnesses, all such proceedings may be had and taken as are authorized by said statute.

The commissioner must carefully envelope the deposition so taken, with the commission attached writing his name across the sealing of the envelope and indorsing on the envelope the names of the witnesses and the title and matter of the contest, and direct the envelope to the clerk issuing the commission, and must within five days after taking the deposition file the same with the said clerk, or transmit the same by mail through the nearest postoffice. And such clerk must within five days after the taking of testimony has been finished, and the depositions received in his office, make and certify under the seal of the court, a true and cor- Depositions.

rect copy of the statement of the grounds of contest, and of the return of service thereon, and must inclose the same with the depositions so taken and filed in his office ; and must securely envelope the same, indorsing thereon the title and matter of the contest, and direct the package to the presiding officer of that branch of the general assembly before which the contest is to be tried, at the seat of government, and deposit the same, postage paid, in the nearest postoffice.

The said package must be opened by said presiding officer, and presented to the house over which he presides, for such action as such house may deem proper. On the determination of such contest, the secretary of the senate, or the clerk of the house, as the case may be, must certify the result thereof to the clerk of the court in which the statement of contest was filed. And

Certificates. the said certificate must be filed in the office of said clerk, and shall have the force and effect of a judgment against the unsuccessful party for the cost of such contest. And the said clerk having taxed the cost allowing the fees and cost allowed for similar services in civil cases at law, must issue execution for the amount thereof in the name of the successful party. If the party contesting be the unsuccessful party, execution must issue against him and his sureties for the cost.

SEC. 6. Be it further enacted, That if there be a con-

Contest of chancellor. test of an election to the office of chancellor, the party contesting must file in the office of the clerk of the circuit court of the county of the residence of the person declared elected, the statement of the ground of contest, as required in Section 3 of this act, and give good and sufficient security for the cost of such contest, to be taken and approved by the said clerk. And such statement having been filed, and security for cost taken and approved, the said clerk must enter the said contest as a civil cause pending for trial in said circuit court, on the docket of causes therein standing for trial. And the said contest must stand for trial and be heard in precedence of all other causes, civil or criminal, in said court; and must be proceeded in, tried and determined as are other civil causes in courts of law. Within two days after entering

the said contest on the docket of said court, the said clerk must issue a summons directed to the party whose election is contested, accompanied by a certified copy of the said statement, requiring such person, within ten days after the service of the summons, to appear and answer to the said statement. The testimony on such contest must be taken by deposition, as in civil cases at common law, but no affidavit other than of the materiality of the witness or witnesses proposed to be examined, shall be required. And either party may, on giving five days notice, require the examination before the commissioner to be oral, and that the witnesses be examined separate and apart from each other. And the party against whom the depositions are to be taken, mast have at least five days notice of the time and place of taking such deposition, and of the name and residence of the commissioner proposed. Such circuit court must try such contest at the first term after , the commencement thereof, which must be deemed and taken to have commenced with the service of the summons aforesaid, if thirty days have intervened after such service; but for good cause shown, may continue the trial to the next term, or to a special term of its appointment. But such contest must be tried at the second term, unless continued by the failure of the presiding judge to attend and hold such term, or because of his incompetency for legal cause to try and determine such contest.

SEC. 7. Be it further enacted, That such contest must be heard and determined by the court, without the intervention of a jury.

SEC. 8. Be it further enacted, That to contest an election to the office of judge of the circuit court, the party contesting must file in the office of the register of the court of chancery of the county or district of the residence of the person declared elected, a statement, in writing, of the grounds of contest, verified by affidavit, as prescribed in section three of this act, and must give good and sufficient security for the cost of such contest, to be approved by the said register. On the filing of such statement and giving of such security, the said register must make and certify to the chancellor of the division in which said election was held, a certified copy of said statement. On receiving such copy, the chancellor must endorse thereon an order appointing a day for the trial of

Contest of circuit judge,

such contest, not less than thirty days nor more than fifty days from the day of the reception of such certified statement, fixing the place of trial, which must be at some place in the circuit in which such election was held, and where a court of chancery is required to be held. And must further order the said register to issue a summons directed to the person whose election is contested, accompanied with a certified copy of said statement, requiring him to appear within ten days after the service of summons, and make answer to said statement, which summons must be served by the sheriff, or a constable, at least twenty days before the day appointed for the trial. The testimony in such contest must be taken by deposition as is prescribed in the preceding section of this act.

Contest of probate judge.

SEC. 9. Be it further enacted, That to contest an election to the office of judge of probate, the party contesting must file in the office of the clerk of the circuit court of the county in which the election was held, a statement, in writing, certified by affidavit, of the grounds of such contest, as is prescribed in section three of this act, and must give good and sufficient security for the cost of such contest, to be approved by the said clerk. On the filing of such statement and the giving of such security for cost, the said clerk must enter such contest as a civil cause pending in said circuit court for trial. And after having made such entry, the said clerk must issue a summons, accompanied with a certified copy of said statement, directed to the party whose election is contested, requiring him within five days after the service of the summons, to appear and make answer to said statement, which summons must be served by the sheriff, or by a constable of the county. The said contest is triable by the court without the intervention of a jury, and must be heard and tried in precedence of all other causes, civil or criminal, standing for trial in the said court. Either party is entitled to subpoenas to compel the personal attendance of witnesses on the trial of such contest; and against defaulting witnesses such proceedings may be had as are had against other defaulting witnesses in civil causes pending in the said court. Testimony may

also be taken by deposition in such cases, and in like manner, as depositions are taken in other civil cases pending in the said court.

SEC. 10. Be it further enacted, That to contest any election for justice of the peace or constable, or any election to any office filled by the vote of a single county, except as herein otherwise provided, the person contesting must file in the office of judge of probate of the county in which such election was held, within fifteen days after the result of such election was declared, a statement in writing of the grounds of contest, verified by affidavit, as is required by section three (3) of this act, and must give security for the cost of such contest, to be approved by the said judge of probate. Such statement having been filed, and security for costs given, the judge of probate must appoint a day for the trial of such contest, and must order a summons to issue to the party whose election is contested, accompanied with a copy of the said statement, requiring such party to appear and make answer to such statement within five (5) days after the service of such summons. And the said judge must appoint a day for the trial of such contest, not exceeding twenty days after the filing of the said statement. And of the day appointed for the trial, the party whose election is contested must have ten days' notice in writing. served upon him by the sheriff or a constable of the county. Either party is entitled to subpoenas to compel the attendance of witnesses on the trial, which must be issued on application, by the judge of probate, and the same proceeding may be had against defaulting witnesses as in matters litigated in the courts of probate, such proceedings being returnable to any regular term of the court held within three months after the same are taken. Testimony may also be taken by deposition in such cases, and in like manner, as in civil cases in courts of law, the corn mission to be issued by the said probate judge. If the ground of contest of the election be malconduct, fraud or corruption on the part of any inspector, clerk or returning officer, or because of bribery, or offers to bribe imputed to the party whose election is contested, such party may demand a trial of these grounds of contest by jury. All other grounds of contests may be determined by the judge of probate, without the intervention of a jury. In the hearing and determination of

Contests of minor offices.

such contest, the judge of probate must be governed by the rules of law applicable to the hearing and trying of civil causes in courts of law.

SEC. 11. Be it further enacted, That in all contests of elections before the judge of probate, or before the chancellor, or before the circuit court, the judge or chancellor presiding is authorized to make an examination of the ballots given or rejected in such election, so far as he may deem it necessary to arrive at a correct judgment, and may make. and enforce by attachment, all necessary orders to obtain possession of the same, and must make all proper orders necessary for the return of such ballots to the proper custody after the same have been examined by him.

Ballots may be examined.

SEC. 12. Be it further enacted, That if, on the trial of any contest of any election, either before the judge of probate, or the chancellor, or the circuit court, it shall appear that any other person than the one whose election is contested, received, or would have received, had the ballots intended for him and illegally rejected, been received, the highest number of legal votes, judgment must be given declaring such person duly elected, and such judgment has the force and effect of investing the person thereby declared elected, with full right and title to have and to hold the office to which he was declared elected. If, however, it appears that two or more persons have, or would have had, if the ballots intended for them and illegally rejected had been received, the highest and equal number of votes for such office, judgment must be rendered declaring the fact, and such fact must be certified to the officer having authority to fill vacancies in the office, the election to which was contested. If the person whose election is contested is found to be ineligible to the office, judgment must be rendered declaring the election void, and the fact certified to the appointing power. If the party whose election is contested is found to have been duly and legally elected, judgment must be rendered declaring him entitled to have and to hold the office to which he was so elected.

How judgme't rendered.

SEC. 13. Be it further enacted, That in all contests of elections, such contests are not abated by the death of the party commencing them, before final judgment, if any qualified elector appears before the judge of probate or the chancellor, or the circuit court and substitutes himself as

Not abated by death

contestant, and gives good and sufficient security for the costs which have accrued, or may accrue on such contests. But if no qualified elector appears and proposes to substitute himself as the party contesting, such contest abates on the death of the contesting party, and judgment must be rendered against his securities for the cost of the contest which must be collected by execution in the name of the party whose election was contested. In all cases, the person whose election is contested, if he be the successful party in such contest, is entitled to judgment for the cost thereof, against the party contesting and his sureties, for which execution may issue returnable to the court of probate, or to the court of chancery, or to the circuit court.

SEC. 14. Be it further enacted, That in all contested elections before the judge of probate, an appeal lies to the circuit court or supreme court, within five days after the rendition of judgment From the judgment or decree of the chancellor on the contest of an election of the judge of the circuit court, an appeal lies to the supreme court, which must be taken within five days after the rendition of the decree or judgment of the chancellor, from the judgment of the circuit court on the contest of an election of a chancellor, or of a judge of probate, an appeal lies to the supreme court within five days after the rendition of such judgment. Appeals.

On the taking of such appeal, the appellant must give bond and security for the cost thereof, to be approved by the judge of probate, register, or clerk of the circuit court, as the appeal may be taken from the judgment of the judge of probate, chancellor, or circuit court; and the name of such securities must be certified with the record to the appellate court. And if judgment be rendered confirming the judgment of the judge of probate, or of the chancellor, or of the circuit court, the supreme court must render judgment against the appellant and his securities for the cost. Such an appeal in any and all cases, suspends the execution of the judgment, or decree of the judge of probate, of chancellor, or of the circuit court. Bonds for costs.

SEC. 15. Be it further enacted, That sections 396,397, 398,399,400, 401, 402, 403, 404, 405,406,408,409, 410,411,412,413,414,415,416, 418,419,420,421,422, 423,424, 425, 426, 427, 428,429, 430, 431, 432, 433,434, of the code of 1886, be, and the same are hereby repealed.

Approved February 10, 1893.

No. 206.] AN ACT [s. 22

To require parties claiming adverse, possession of land to give notice thereof.

Section 1. Be it enacted by the General Assembly of Alabama, That whenever any person or corporation who without color of title, claim of inheritance, or honest claim of purchase, enters on real estate and asserts adverse possession thereto, notice thereof shall be given by filing a declaration in the probate office of the county in which the real estate lies, in a book to be kept for that purpose, particularly describing the real estate. And such adverse possession shall not begin until said declaration is filed, and no evidence of adverse possession prior to such filing shall be received in any suit involving the title of such land, and such notice shall be no evidence of the fact of possession; Provided, If any one has, at the date of this act been claiming adverse possession for a term of less than ten years, such person shall also be required to file said notice, stating how long he has been in adverse holding, and this act shall not deprive him of the benefit of such time if he really had adverse possession during such time; And, provided further, where adverse possession has already ripened into title, this act shall not apply.

Declaration. field.

Record. SEC. 2. Be it further enacted, That the probate judge shall keep a book for such record, properly indexed, and shall have the usual fees for recording.

Approved February 11,1893.

No. 207.] AN ACT [s. 177

To authorize the township trustees of township eighteen (18), of range ten (10), in the county of Randolph in this State, to sell a portion of section sixteen (16) of said township and range at private sale.

Section 1. Be it enacted by the General Assembly of Alabama, That the township trustees of township eighteen (18), of range ten (10), in the county of Randolph, be, and the same are, hereby authorized and empowered to sell for cash only, a portion of section sixteen (16,) of

township eighteen (18), of range ten (10), in said county of Randolph, described as follows: Commencing at the southeast corner of the northeast quarter of the southeast quarter of said section sixteen (16,) township eighteen (18,) of range ten (10), thence running north along the line of said northeast quarter of the southeast quarter of said section forty (40) rods, thence west twenty (20) rods, thence south forty (40) rods to a point on the south line of said northeast quarter of the southeast quarter of said section, a distance of twenty (20) rods from the point of commencing, thence east along said line to the point of commencing ; said lot of land not to exceed five acres, and to be used exclusively for school purposes. Description of land.

SEC. 2. Be it further enacted, That the sale of the lot of land authorized by the preceding section of this act, may be made by private sale and not to exceed the minimum price per acre of such lands as is now prescribed by law.

SEC. 3. Be it further enacted, That no building or buildings shall be erected upon such lot of land except such as are to be used exclusively for public school purposes for children of the white race only. Buildings.

SEC. 4. Be it further enacted, That if there shall nor be the number of township trustees as provided for by law in said township eighteen (18) of range ten (10), at the time of such sale, such number as may be acting may make such sale, and when such sale is made, it shall be as binding as if made by the number of school trustees as are now provided for by law. Who make sale.

SEC. 5. Be it further enacted, That the sale of such land and the perfecting titles thereto shall be governed by and conform to the provisions of article three (3) of chapter five (5), title two (2) of the code, except as to the provisions of sections 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041. Laws of sale.

SEC. 6. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed, so far as they relate to township eighteen (18,) range ten (10), in the county of Randolph.

Approved February 11, 1893.

No. 208.] AN ACT [H. B. 417

To amend the charter of the city of Selma.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section nine of said charter be amended by adding thereto the words: Provided, That justices of the peace and notaries public may be elected or appointed to office in said city, and shall not be disqualified on account of holding said office of justice of the peace or notary public.

Approved February 11, 1893.

No. 209.] AN ACT [H. B. 9.

To amend an act entitled an act for the protection of lands and plantations from depredations by stock in Bullock county, approved December 8, 1880.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act for the protection of lands and plantations from depredations by stock in Bullock county, approved December 8,1880, be amended so as to read as follows, to-wit: Section 1. That hereafter in the county of Bullock it shall not be lawful for any horse, mule, ass, cow, hog, sheep or goat to go or run at large off the premises of the owner

Damages. thereof, and the owner of any such animal shall be liable to the party injured for all damage done to the fruit or shade trees, ornamental shrubbery, fencing, enclosure or crops of any person, to be recovered before any court of competent jurisdiction, and the judgment of the court shall be a lien upon such stock, and all other property of the owner, for the amount of damage done, the expenses of keeping or feeding such animal or animals and the costs of the suit.

SEC. 2. Be it further enacted, That any person owning lands in said county, or his agent, or any person lawfully in the possession of lands, or his agent, on which lands there is growing or planted, or has been

Taking up animals. grown during the year, a crop of any kind, shall have the right to take possession of any animal named in

the preceding section if found at large or uncontrolled on the premises of such person, and when so taken up, such person or his or her agent so taking up such animal or animals, shall forthwith notify personally, or by leaving a written notice at the usual place of residence of the nearest justice of the peace or notary public having and exercising the jurisdiction of justices of the peace in his beat, of the same, or the owner of such animal or animals, within 24 hours of taking up.

SEC. 3. Be it further enacted, That any person, or his agent, taking up any animal or animals on his premises, who shall wrongfully, fraudulently and with dishonest purpose, take such animal or animals off his premises before he shall have personally or in writing by himself or agent, notified either the owner thereof or the nearest justice of the peace or notary public having and exercising the jurisdiction of a justice of the peace, of such taking up, shall be guilty of a misdemeanor, and liable, on a conviction, to be fined in any sum not exceeding two hundred dollars. Fraudulent removing animals.

SEC. 4. Be it further enacted, That it shall be the duty of any person, or his or her agent, taking up any animal or animals mentioned in section two (2) to make affidavit before the justice of the peace or notary public having and exercising the powers and jurisdiction of a justice of the peace, either that he knows the owner or that he does not know the owner thereof, and if the former affidavit is made, then the justice of the peace or notary public before whom such affidavit is made shall issue a notice to the owner of such stock, or his or her agent, which notice shall be served on the owner, his or her agent, or left at his or her usual place of residence, either by the person taking up such animal or by the constable of the beat, or by some other person appointed by the said justice or notary public; and upon the application of the owner or his agent, the justice or notary public shall issue an order to the taker up of such animal or animals to surrender the possession to the said owner thereof, he first paying to the justice or notary public the fees a hereinafter named for taking up and keeping such animal or animals. This right to the possession of the animal or animals not to effect or avoid the lien Affidavit. Reclaiming animals.

for damages done by such stock and mentioned in section one (1) of this act. Provided, That the owner, or his or her agent, shall have the right to the order without paying any fees for the taking up and keeping such animal or animals if he files with the justice of the peace or notary public an affidavit setting forth any fact showing that the taker up had no right under this act to take up such stock; and if the taker up makes affidavit that the owner of such animal or animals is not known, it shall be the duty of such justice or notary public to issue an order to the taker up to sell such animal or animals at public outcry, fur cash, after having advertised the time and place of sale, and an accurate description of such stock for ten (10) days by posting written notice in at least three (3) public places in the precinct or beat. After paying the justice or notary public his fees, the injured party shall be entitled to the balance of the proceeds of such sale. Provided, That within three months from the time of such sale, the owner of the stock so sold appears and makes satisfactory proof that the stock sold was his property, he shall be entitled to the balance of the money in the hands of the taker up of such stock, after all damages and fees for taking up, keeping, advertising and selling have been deducted, and the owner of such stock shall have the right to redeem the same by paying all damages and costs heretofore mentioned, and on making such payment, the party in possession must deliver the stock to the owner.

Sales.

Redemption.

SEC. 5. Be it further enacted, That when the owner makes affidavit and procures an order (as in section 1) for his animal or animals, the taker up shall deliver to the owner, or his agent, said animal or animals in accordance with such order, and may then, if the fees for taking up and keeping such animal or animals have not already been paid, have the right to sue for and recover of the owner the fees for taking up and keeping such animal or animals, as well as for the damages done by such stock, before any court of competent jurisdiction, and the judgment rendered shall be a lien as provided for in section one (1) of this act. Provided, If the owner or his agent shall not claim as aforesaid his or her animal or animals in ten (10) days after he, or the justice of the peace or

notary public is notified of the taking up of such animal or animals, then the taker, up shall be entitled to an order of sale as provided for in the case of stock where the owner is unknown, in section four (4) of this act.

SEC. 6. Be it further enacted, That for taking up and keeping, the following fees shall be allowed for the use of the person taking up, viz.: For taking up each horse, mule or ass, 50 cents; for taking up each cow or hog, 26 cents; for taking up each sheep or goat, 25 cents; and 25 cents for every day each of said animals is kept by the taker up. Young animals not capable of doing damage to crops shall not be charged for, and the taker up or his agent shall not be liable for injuries to animals, or for escapes, except in case of wilful neglect, or where such damage was intended. Fees.

SEC. 7. Be it further enacted, That the right of appeal shall be had in all cases under this act, as in other civil causes, and that liens shall be lost under the provisions of this law unless the plaintiff in such judgment proceeds without unnecessary and unreasonable delay to enforce such liens by all lawful means. Appeals.

SEC. 8. Be it further enacted, That judgments may be rendered by justices of the peace and notaries public who are ex-officio justices of the peace, under the provisions of this act on three (3) days' notice to defendants, and execution may be issued thereon after five (5) days from the rendition of the judgment; and the justices of the peace or any notary public having and exercising the powers and jurisdiction of justices of the peace, of the beat or precinct where the damage as done by any animal or animals, shall have jurisdiction under this act, notwithstanding the defendant may live in another beat, or in another county, and for any amount not exceeding fifty dollars ($50). Where there is no justice of the peace or notary public having and exercising the jurisdiction of a justice of the peace residing in such beat, or where they are disqualified by interest or other lawful cause, then any justice of the peace or notary public with jurisdiction of a justice in any adjoining precinct or beat shall have jurisdiction of such case in accordance with the provisions of. this act. Judgments.

SEC. 9. Be it further enacted, That the provisions

Stock excepted.

and penalties of this act shall not apply to any stock from the counties of Pike and Russell crossing over, where there is no line fence, nor shall the amendments heretofore enacted be in any wise effected or changed by the amendments herein expressed,

SEC. 10. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

SEC. 11. Be it further enacted. That the citizens of

Inverness Beat

Inverness beat (beat No. 7) may allow hogs to run at large after the first day of November of each year, and other stock after the first day of December of each year, provided, such stock are kept within the limits of said beat while so running at large, and are taken up by the first day of March of each year.

Approved February 11, 1893.

No. 210.] AN ACT [s. 434

To compensate Lee Lancaster, of Etowah county, Alabama, for the time he was at hard labor for the State of Alabama, under sentence of conviction for the murder of Will Welch.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Lee Lancaster, a bona fide residing citizen of Etowah county, Alabama, having been confined at hard labor in the penitentiary for the State of Alabama, under judgment of conviction for the murder of Will Welch, for the period of twenty one months and nineteen days, and having been pardoned by Governor

Amount.

Thomas G. Jones, on ascertaining that he was not guilty of said offense, the sum of eight hundred dollars is hereby appropriated to said Lee Lancaster for the time he was at hard labor in the penitentiary for the State under said sentence.

SEC. 2. Be it further enacted, That the auditor is hereby authorized and instructed to draw his warrant upon the treasurer of the State in favor of said Lee Lancaster for the sum of eight hundred dollars.

Approved February 11, 1893.

No.211.] AN ACT [s. 279

To amend and confirm the charter of the State Abstract Company, incorporated in Montgomery county, Alabama, under the general incorporation laws of said State.

Section 1. Be it enacted by the General Assembly of Alabama, That the proceeding had in the probate court of Montgomery county, Alabama, for the incorporation of the State Abstract Company, and the certificate of incorporation, or charter issued to said The State Abstract Company by the Hon. Francis C. Randolph, judge of the probate court of said county, on the 7th day of March A. D. 1887, under the general incorporation laws of the said State are hereby ratified and confirmed. Charter ratified.

SEC. 2. Be it further enacted, That in addition to the powers already conferred upon said The State Abstract Company, it shall have the following powers, rights and privileges to wit: To have perpetual succession, to have and use a common seal which may be changed, to make such by-laws, rules and regulations for the management and conduct of its business, and the control of its officers, agents and servants as it deems advisable, not inconsistent with the laws of the State of Alabama, or the United States, and to alter and amend the same, on such conditions as it may provide; to act as agent or broker of and for resident or non-resident corporations and natural persons, in and about the negotiating, obtaining and placing loans on real estate, mortgage or other security, and to act therein either for the borrower or lender, one or both, or as middle man between the two, and to charge and receive from either the borrower or lender, one or both, such compensation as may be agreed upon between it and the party for whom the services are rendered; to act as fiscal agent for any foreign or domestic corporation or natural person, in receiving, distributing or investing of money or other property, or for issuing or counter-signing bonds or certificates of stock, paying Powers. Compensation

coupons, negotiating the sale of securities or guaranteeing their payment, and tor such service, may charge and collect such compensations as may be agreed upon.

SEC. 3. Be it further enacted, That said corporation shall have the power and right to buy, sell, hold and mortgage real estate and personal property, to loan money on real estate and personal property, and other security; to purchase, sell and hypothecate mortgages; county and municipal bonds or other securities, or evi-

Buy and sell. dences of debt; to buy and sell real estate, personal property and securities on commission, to negotiate loans and to guarantee the payment of the principal or interest thereof, one or both; if desired, and to do and perform any other act incident to such a business.

Approved Feb. 11, 1893.

No. 212.] AN ACT [s. 322.

To establish a separate school district in Lauderdale county, to be known as the Waterloo School District.

Section 1. Be it enacted by the General Assembly of Alabama, That the following described territory in the county of Lauderdale shall constitute a school district separate and apart from the remaining school

Boundaries districts in said county, namely: Begin on the Tennessee river at the east line of fractional section number five, of fractional township number two, range number fourteen, running north to the north east corner of section number thirty-three, township number one, range number fourteen, thence west to the north west corner of section number thirty-five, township one, range fifteen, thence due south to the Tennessee river, thence up said river to the place of beginning, to be known as the Waterloo School District.

SEC. 2. Be it further enacted, That such school district shall receive its proportionate share of the public school revenue, including a pro rata share of the sixteenth section fund of each township that lies partly

within the said school district, and shall also receive all the poll tax collected within the limits of said district, and the superintendent of education of Lauderdale county shall set apart from the public school revenues of the county, and disburse and use such pro rata share exclusively for the maintenance of the public schools in said district of Waterloo. Revenues.

SEC. 3. Be it further enacted, That it shall be the duty of the county superintendent of education of said county to appoint three district superintendents for said district in the same manner as is provided for the appointment of township superintendents, and said superintendents shall be required to perform such duties in this district as are required by law of other township superintendents, and the district superintendents shall as soon as practicable after the passage of this act, make an enumeration of all the children, white and colored, male and female, between the ages of seven and twenty-one years within the said Waterloo School District, and make a report to the county superintendent as soon as practicable, which report shall also show the number of such children within the fractional portion of each township of which said Waterloo School District is formed; and subsequent apportionments of school moneys in and for the territory composing said Waterloo School District shall be made in accordance with such enumeration, until another enumeration shall be made under the general laws of the State. District superintendents. School census.

SEC. 4. Be it further enacted, That the county superintendent of Lauderdale county, shall co-operate with the said district superintendents in keeping up the schools, both white and colored, in said district. White and colored schools.

SEC. 5. Be it further enacted, That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved Feb. 11, 1893.

No. 213.] AN ACT [s. 18.

An act to authorize the Mayor and City Council of Ozark to issue bonds of said city for an amount not exceeding twenty thousand dollars for the purpose of making and improving the streets, the public square, grounds about the springs; and in paying whatever outstanding, floating (not bonded) indebtedness said city may have at the passage of this act.

SEC. 1. Be it enacted by the General Assembly of Alabama, That the Mayor and City Council of Ozark, be and they are hereby authorized to issue bonds of said city
Amount. of Ozark to an amount not exceeding twenty thousand dollars, or so much thereof as said Mayor and City Council may deem necessary for the purposes hereafter named, in such denomination, not less than one hundred dollars nor more than one thousand dollars, as said city council may determine and payable twenty years from the date of their issuance, with coupons attached, bearing interest at a rate not exceeding six per cent. per annum, and payable sem-annually to bearer.

SEC . 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act,
To be signed. shall be signed by the mayor and countersigned by treasurer of said city, and the seal of the city shall be affixed thereto, and the city treasurer must keep a correct record and account of all the bonds issued and disposed of under this act.

SEC. 3. Be it further enacted, That the said mayor and city council of Ozark are hereby authorized to do
Powers of council. any and all things that may be necessary to carry out the powers hereby granted and no technical informality, irregularity, neglect or omission in the proceeding or records of said mayor and city council shall in any wise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper, and at after maturity thereof shall be receivable for all dues to the city in the way of taxes or otherwise.

SEC. 4. Be it further enacted, That the said mayor

and city council of said city shall be authorized to sell such bonds at par or face value, and apply the proceeds thereof to the outstanding water works debt, to the improvement of the public square in conjunction with the county authorities, to the erection of a public school house in said city, and to the erection and maintenance of a system of electric lights in said city, but Provided however, that in case there shall fail to be money sufficient to accomplish the three purposes here named, one of the three at the discretion of said city council may be omitted, and the other two purposes carried out. Sale of bonds.

SEC. 5. Be it further enacted, That the use, payment and application of said money shall be under the direction of said mayor and city council of Ozark, and the said treasurer shall be responsible for the safe keeping of the proceeds arising from the sale of said bonds, which may come into his hands in his official capacity, the same as for other city funds, and there shall be no commission paid said city treasurer for receiving or disbursing the funds arising from sales of said bonds named in this act. Proceeds of bonds.

SEC. 6. Be it further enacted, That the bonds herein provided for shall have priority over all bonds of said city which may be hereafter issued and it shall be the duty of said mayor and city council to provide for the payment of same, principal, interest, before providing for the payment of bonds which may hereafter be issued by said city. Priority of bonds.

SEC. 7. Be it further enacted, That these bonds shall be exempt from municipal taxation.

Approved February 11, 1893.

No. 214.] AN ACT [s. 801.

To amend an act entitled "an act to create the office of Revenue Constable for Mobile county, and to prescribe his duties," approved February 24, 1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled "an act to create the office of Revenue Constable of Mobile county, and to prescribe his duties, approved February 24, 1887, be amended so as to read as follows : "Sec. 1. Be it enacted by the General Assembly of Alabama, That the board of roads and revenue commissioners, and the board of public school commissioners of Mobile county, shall have the power, and it is their duty in joint convention, the president of the former to preside, to elect a suitable person to be styled and known as "Revenue Constable," whose duties shall be to enforce the collections of all licenses, state, county and school in and for Mobile county and to render such assistauceto the solicitor in the prosecution of all criminal cases in such manner as the board of road and revenue commissioners may order and direct; Provided, the said officer shall collect no public monies whatever.

Election.

SEC. 2. Be it further enacted, That the said officer shall hold office for the term of four (4) years from the date of his election, and until his successor shall shall be elected and qualified, but he may be removed for cause at any time by a majority vote of the members of the two above named boards in joinst session. The said officer shall be paid for his services one hundred dollars per month, out of the treasury of Mobile county and the common school fund of Mobile county, in such proportion as the two boards in joint session may determine upon.

Term.

Salary.

SEC. 3. Be it further enacted, That said election provided for above in the first section of this act, shall be held thirty days after the approval of this act by the Governor, and every fourth year after the first day of January, 1897.

When elections held.

SEC. 4. Be it further enacted, That it shall be the

duty of the said officer to report to the board of roads and revenue commissioners all persons who fail to take out licenses as provided by law, and for a willful or corrupt refusal or failure so to do, shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months, and shall also forfeit his office. Reports.

Approved February 11, 1893.

No. 215.] AN ACT [s. 289.

To authorize the Tallassee Falls Manufacturing Corn pany to construct a bridge across the Tallapoosa River at, or near Tallassee, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Tallassee Falls Manufacturing Corn pany, a general corporation, incorporated under the laws of the State of Alabama, be, and they are, hereby authorized and empowered to construct, erect and keep a wagon, foot passenger and railroad bridge, or a bridge for any one or more of these purposes, spanning the Tallapoosa river at, or near Tallassee, in the county of Elmore, said bridge to extend across the said river from the county of Elmore to the county of Tallapoosa; and said corporation are hereby authorized to take reasonable tolls for the use of said bridge by passengers and for vehicles, and for traffic, and for whatever may pass over the same, and they shall have power to purchase, hold, sell, convey or otherwise acquire or dispose of real or personal property, or any other kinds of property, to issue bonds and pledge or mortgage the said bridge, or the incomes thereof, for the same, to borrow money and secure the same by a mortgage upon the said bridge or the incomes, one or both. Location.

SEC. 2. Be it further enacted, That said corporation, by its board of directors, shall have power to adopt and establish all rules and regulations which shall bedeemed expedient for the management of the traffic over and

across the said bridge, not inconsistent with the constitution and laws of this State, and of the United States; Provided, that Tallapoosa county shall be entitled to all the taxes of the bridge that is over Tallapoosa territory, both of land and water.

Approved February 11, 1893.

No. 216.] AN ACT [s. 416.

To prevent stock from running at large in certain parts of Marengo county.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall not be lawful for stock of any description whatever to run at large in all that part of Marengo county described as follows, to-wit: In Demopolis, Jefferson, Macon, Faunsdale, Spring Hill, Dayton, McKinley, Jackson's Store precincts, and in all that part of Linden precinct within the following limits, to-

Boundaries. wit : All that part of said Linden precinct north of the following line: Beginning near the mouth of Three Mile creek, thence south along the line dividing Section 10 and 11, Township 15, Range 2, E., to the Linden and Beckley's Landing road ; thence east along said road to where the Nanafalia and Beckley's Landing road fork ; thence south along the said Nanafalia road to the southwest corner of lands belonging to F. Woolf ; thence one east to the Linden and Shiloh road ; thence southward along said road to the section line dividing Section 16 and 12, Township 15, Range 3, east; thence east along said section line between Sections 22 and 23, Township 15, Range 3, east; thence south one half mile, thence due east to the range line between Ranges 4 and 8, and all other districts in which stock have been prohibited from running at large, or may hereafter be prohibited ; Provided, no line fence or fences shall be abolished by this act which were required to be kept up under any law heretofore existing, or by any order of court, establishing districts in which stock was prohibited from run-

Line fences. ning at large, within the territory covered by this act, and a failure to keep up said required line fence or fences shall annul this act as to the particular district or

precinct heretofore required to keep up said fences; Provided further, no line fence shall be required or be kept up between territory covered by any existing law prohibiting stock running at large, and a failure to keep up a line fence between stock districts shall not be available as a defense for the violation of this act.

SEC. 2. Be it further enacted, That any stock running at large in any part of Marengo county described and mentioned in section one of this act, and trespassing upon the lands of any person other than the owner of said stock, the party so trespassed upon may take up and impond such stock in some place of safe-keeping, giving them necessary, food, water and attention, and in compensation for such attention shall receive a fee of twenty cents per day per head for each hog, sheep, goat or animal of their kind, and forty cents per day per head for each cow or animal of the cow kind, and fifty cents per day per head for all other stock ; Provided, the party impounding such stock shall be entitled to charge a fee for one day immediately on impounding the stock, and shall not charge a second fee until after the expiration of twentw-four hours from the time such stock was impounded. When any stock has been so impounded, notice shall be given to the owner, if known, within twenty-four hours after the stock is impounded, and if the said owner fail for two days after receiving such notice, to claim said stock and pay all fees provided for in this act, the said stock shall be sold at once at public auction in some public place in the neighborhood where such stock is impounded ; if the owner of the impounded stock is not known, notice shall be given in twenty-four hours by posting notices in three public places in the neighborhood in which stock is impounded ; such notice shall describe said stock, giving marks and brands, and state that unless such stock is claimed by the owner thereof it will be sold at some particular publice place in the neighborhood on the eighth day after the date of said notice.

Taking up stock.

Sale of stock.

SEC. 3. Be it further enacted, That if such sale is made, the party making such sale shall deduct his fee for attention, from the proceeds thereof, and shall turn over to the county treasurer of the county the remainder, if any, with his sworn statement as to the proceedings of sale and a copy of the notice above required.

Proceeds of sale.

SEC. 4. Be it further enacted, That if any money

is paid into the county treasury from the sale of stock,
Disposition of money. the same shall be subject to the claim of the owner of the stock sold, and shall be paid to such owner upon his application and proof of the property.

SEC. 5. Be it further enacted, That any person who causes any live stock to break away from their herd or
Penalties. guards, or who drives said live stock upon the lands of another, or who takes from any lot or place where stock has been impounded, without first having paid the fees required by this act, or who wilfully permits stock to run at large without being herded or guarded, must on conviction be fined not more than twenty dollars, and the offense shall be triable before the justice or notary in the precinct where committed, or if none, in adjoining precinct.

SEC. 6. Be it further enacted, That the owner of any
Redeeming animals. stock of the horse or cow kind, or sheep, sold under this act, may, at any time within twelve months, redeem said stock by paying to the purchaser the amount of such purchase money, with interest thereon from date of such sale.

SEC. 7. Be it further enacted. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed as to the territory covered by this act.

Approved Feb. 11, 1893.

No. 217.] AN ACT [s. 220.

To incorporate the Mobile Light and Railway Company.

Section 1. Be it enacted by the General Assembly of Alabama, That John Wilson, J. H. Wilson, J. C.
Corporators. Lysle, G. C. Rogan, W. E. Gordon, and George E. Sage and their successors and associates are hereby constituted a body politic and corporate, with the power to construct, purchase or lease, and maintain and operate street and suburban railroads, electric power and light, or other illuminating plants, in the city and county of Mobile.

SEC. 2. Be it further enacted, That the name of
Name. the said company shall be “Mobile Light and Railway

Company" but the company shall have the right to change its name by a two-thirds vote of its stockholders, at any regular or special meeting duly convened for that purpose; Provided, that a copy of the resolutions making such change, duly certified by the secretary and president of said company, under its seal, shall be filed in the office of the secretary of the State, and in the office of the judge of probate of Mobile county.

SEC. 3. Be it further enacted, That said company shall have perpetual succession, and the right to sue and be sued, in its corporate name, and shall also have and exercise the following rights and powers, namely: 1. To have and use a common seal, and the same to alter at pleasure. To appoint such officers, agents or servants, as the business of the corporation may require, fixing their duties and compensation, and removing them at pleasure. 2. To make such by-laws and rules as are necessary for the regulation of its business and the management of its property, and the transfer of its stock. 3. To acquire, hold, dispose of and convey such property, real and personal, as may be necessary, or convenient for the uses and business of the corporation and also such other property, real, personal, or mixed as may seem to the directors expedient or desirable for thes aid company to own, use and operate as an adjunct to, or connection with its lines of railway and electric power and heating plants, such as public gardens, parks and public baths, and may thereat construct wharves, piers, docks, boat houses, restaurants, refreshment stands and the like, and conduct concerts, theatres and other lawful amusements, and may receive therefor, or for admission thereto, such compensation as may be charged by the said company; Provided, that nothing herein contained shall authorize said company to purchase land for speculative purposes, or to hold property other than such as shall be necessary for the exercise of its franchise and powers as defined by this charter. 4. To purchase or lease, and thereafter to own, maintain, operate, exercise and enjoy all the property, franchises, railway and electric

General powers.

light and power plant, granted or intended to be granted, or caused by the terms of the ordinances adopted by the city of Mobile, approved March 12. 1892, entitled, respectively, "An ordinance authorizing James Howard Wilson, of Mobile, Alabama, his successors and assignees, to build lines of street railroad, and to operate and manage cars on said lines by electricity," and "An ordinance authorizing G. G. Rogan and J. H. Wilson, their successors or assigns, to construct an electric light and power plant, and erect poles and wires upon and along the streets and alleys of Mobile for supplying electric light and furnishing electric motor power" over the streets and portions of streets therein named, and also construct, maintain and operate other lines of street railroad for the purpose of transporting freight or passengers, and lines for electric light power and heating purposes upon any of the streets of the city of Mobile, or any of the public roads of the county of Mobile, for which a consent has been or hereafter may be obtained by said Mobile Light and Railway Company by ordinance or by laws duly adopted by the proper authorities of the city of Mobile, or by orders or by resolutions, properly passed by the Board of Revenue and roads of Mobile county, and to furnish light, power or heat by electricity to any person or corporation. The failure of said company to establish all the lines or construct all the plants authorized by this charter shall not impair its franchises or rights to the portion of its plants actually constructed by it; Provided, that no freight shall be transported over any portion of the lines of said railway company within said city of Mobile, excepting for its own use; Provided, however, that this section shall not be so construed as to in any manner interfere with any of the existing lawful rights of the Mobile Street Railway Company, or its assigns. 5. To borrow money, issue bonds and secure the payment thereof by mortgage or mortgages, or deeds of trust, conveying all or any portion of its property and franchises, at an interest not exceeding eight per cent. per annum, payable semi-annually, and the purchaser at foreclosure sale shall

have all the franchises, rights and privileges, pertaining to that particular plant, or portion of lines or plant covered by such mortgage, now vested in said company, in reference thereto. 6. To operate its lines of railroads by electricity, animal or mechanical power, and to generate the electricity for any of its plants by steam or water power, and in case the plants of said company are operated by water or steam power, to sell, rent or otherwise contract for the use of any surplus power that they may have to thus dispose of; Provided, that this section shall not be so construed as to authorize the laying of water mains in the streets of Mobile.

SEC. 4. Be it further enacted, That the grant made by said city of Mobile in said ordinances, adopted March 12, 1892, and hereinbefore referred to, and the transfer by the said James Howard Wilson, G. C. Rogan and J. H. Wilson, respectively, and all subsequent ordinances or grants heretofore made by the said city of Mobile to them, the said James Howard Wilson, G. C. Rogan and J. H. Wilson, or to the said Mobile Electric Railway Company, or the Mobile Electric Light and Power Company, are hereby ratified and confirmed, and all of the franchises and privileges granted by the said ordinances are hereby vested in the said grantees and their assigns, according to the terms of said grants, respectively, subject to the right of all persons or corporations whose property is taken or injured, to just compensation before such taking, and the proper officers of the city and county of Mobile have the authority to hereafter contract to and with the said Mobile Light and Railway Company for, the use of the public streets and roads within the city and county of Mobile, the manner of construction of said additional railways and mode of operating the same, and the compensation for the carriage of persons or property thereon to be such as may be agreed upon between said city authorities, or said board of road and revenue commissioners, as the case may be, and the said company and such contracts so made between such city and county and said railway company, may be changed by agreement of both of said parties, and the said company shall be entitled to compensation for the carriage of persons and property at such rates as has been or may be fixed by

Former grants ratified.

Contracts with city and county.

agreement with the authorities of the city of Mobile, or, in the absence of an agreement fixing the same, the said company may demand and receive for passengers not exceeding five cents tor carriage between any two points on their lines within the city limits as the same are now or may hereafter be denned or extended, and not exceeding five cents between any two points beyond said city limits distant not more than two miles from each other. Provided however, That this section shall not be so construed as to in any manner interfere with any of the existing lawful rights of the Mobile Street Railway Company or its assigns.

Charges.

SEC. 5. Be it further enacted, That said railway company is authorized to purchase, take and own the capital stock of any other street or suburban railway or dummy line, operated within the city or county of Mobile, and may lease or sell any portion of its plants or lines to any other company or companies, to person or persons authorized to own or operate such lines in said city or county of Mobile, or may lease or purchase or contract for the joint use of the lines, poles or tracks of any other street, dummy line or electric light, power, telegraph or telephone company, running such lines in said city or county, or may make joint stock or consolidate with such other railway companies, or may lease or sell to other companies an easement in its own lines, and the capital stock standing on the books of any other street, suburban or dummy line railway companies in the name of the said Mobile Light and Railway Company, may be voted as directed by the board of directors, or as may be determined by the by-laws of said company, or in the absence of any by-laws or resolutions of the board of directors, by president of the said company.

May contract with other companies.

SEC. 6. Be it further enacted, That stockholders of said company shall elect annually from their number a board of not less than three nor more than seven directors who shall hold office for a term of twelve months and until their successors are elected and qualified. All vacancies in the board shall be filled by the remaining members, and the management of the property and business of the corporation shall be under the direction of the board of directors, who shall have power to appoint and employ all officers, agents and servants, fixing their compensation, prescribing their duties, and removing

Directors.

Subordinate officers.

them at pleasure, or delegate the appointment of subordinate officers and agents to the superior officer of said company, and to exercise such other powers as may be delegated to them by the by-laws of the company. Said board of directors shall elect from their number a president, who shall hold office for the term fixed by the by-laws of said company.

SEC. 7. Be it further enacted, That the capital stock of said company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, which capital may be increased by the vote of the persons holding the larger amount of the capital stock, at a meeting of the stockholders called for that purpose, for which meeting, and the purpose for which it is called, thirty days notice must be given to the stockholders by publication for four consecutive weeks in some newspaper of general circulation regularly published in the city of Mobile, which notice shall be sent to those stockholders personally whose residence is known by mailing them a copy thereof to their postoffice address. Provided, That such notice shall also conform to the requirements of any general law passed upon the subject of increasing the capital stock of incorporated companies. If at any meeting, the persons holding the larger amount in value of such stock shall vote for such increase, the proceedings must be reduced to writing and signed by the president, and each of. the executive officers of the corporation, and filed in the office of the judge of probate of Mobile county. Provided, That said company may commence business whenever seventy-five thousand dollars of its capital stock shall have been duly subscribed, and fifty per cent. thereof paid in, and subscriptions may be made in money or property or labor, at their normal value.

Capital stock.

SEC. 8. Be it further enacted, That the stockholders must meet annually at time and place in the city of Mobile and on such notice as may be prescribed by the by-laws. At all such stockholders' meetings, any stockholder may be represented by proxy, and each stockholder shall be entitled to vote in proportion to the number of shares held by him. Stock transfer books may be closed for five days prior to any stockholders' meeting.

SEC. 9. Be it further enacted, That said company may acquire by gift, purchase or condemnation, right-

of-way, or other easement for its railways, electric
Rights of way. lines, and in case the owner is unknown, or the said company cannot agree with such owner as to the value of the easement taken, or the compensation to be paid therefor, said company have the right to condemn, acquire title to, and take possession of such lands, or easements, or interest in lands, as may be necessary or convenient for the exercise of the franchises herein conferred upon them, in so far as, and no further, than such franchises pertain to the acquisition of easements, for the construction, maintenance and operation of the railways, electric lines of said company upon the payment to the owner thereof, or to the persons or corporation whose property is affected thereby, just compensation to be assessed and paid in the manner, which is now or may from time to time hereafter be provided by law for the taking of private property for railroads and other public purposes. Executors, administrators, guardians and other trustees of estates, are hereby authorized in any case, to agree with said company as to the damages or the compensation to be paid for the taking or injuriously, affecting any property of the estate in their hands, and are authorized to execute such releases, deeds and conveyances as may be necessary to vest title for the property so taken by the said company; Provided, that when by the constitution or laws of Alabama, any railroad or street railroad company or person, whose lines of railway are crossed
Compensation or legally entered upon by the lines of railway of the
to other roads. said Mobile Light and Railway company may be entitled to the prepayment of compensation, the said compensation or damages shall be assessed as in manner as provided by article 2, chapter 15, title two, part three of the Code of Alabama, or by such other method as may from time to time be provided by law for the condemnation of lands for public uses; Provided, however, that this section shall not be so construed as to authorize the condemnation of any of the tracks of any other street railroad or railway company, except for necessary crossings, and only so far as to perfect and facilitate such crossings.

SEC. 10. Be it further enacted, That any person who shall intentionally place upon the track, or upon any switch or turn table, or upon any of the railways of said company any stone, rock, torpedo, cartridge, or other obstacle, or shall throw any stone or missile into, or shall shoot at or into any motor or car upon said railway or at the animals drawing the same, or at any person on or in said motors or cars, or who shall willfully interfere with the officers or servants of the said company in the performance of their duties in the repair, maintenance or operation of said railway or electric lines, or pipe lines, or who shall by force or other means seek to prevent, hinder or intimidate any of the officers or agents of said company in the performance of their duties, or who shall wilfully or maliciously remove, obstruct, break or otherwise injure any of the railways, electric lines or property of the said company, shall be guilty of a misdemeanor and on conviction thereof shall be fined not exceeding five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for twelve months for each and every offense so committed by him, or them, and all such persons shall be liable to said company in double the amount of the actual damage caused by such illegal acts, also for exemplary damages when warranted under the circumstances; and a conviction under this section shall not prevent the prosecution of the offender for any greater offense embraced within the illegal act, nor shall this act preclude the prosecution of such person under any other law applicable to the case.

Penalty for obstruction or interference.

SEC. 11. Be it further enacted, That said railroad, company shall have the superior right of way on its lines for its motors and cars, over all other vehicles, whether going in the same or opposite directions; Provided, that the cars of other street railroad lines, constructed prior to the construction of the lines of said corporation, shall have the superior right of way to the cars of the said Mobile Light and Railway company, where the lines of both roads are so constructed as

Superior right of way.

to each other that cars cannot be operated over both of said lines, without interference, and it shall be the duties of the drivers of all such other Vehicles to promptly turn them aside upon observing or when notified of the approach of such motor or car, and any person other than those in charge of cars on other roads, as above provided, who may be driving a vehicle on the track of said company, and obstructing the same, and failing to turn aside promptly when in proximity to, and upon seeing or being warned of the approach of the said motor or car, or when requested so to do, shall be guilty of a misdemeanor, and on conviction, thereof shall be fined not exceeding fifty dollars.

Cars passing other vehicles.

SEC. 12. Be it further enacted, That said company make reasonable rules and regulations to prevent persons from smoking on any car or any part thereof, and to prevent persons from carrying on the cars of the said company, fish, fowl, game, dogs, or other things likely to soil said cars or incommode the passengers thereon and to prevent drunken persons from getting on or from riding on said cars, and to enforce the collection of fares by depositing in boxes provided in said cars for the purpose, or by payment to the conductor thereof, or to a gate-keeper; and to prevent children and others not intending to become passengers from jumping or riding upon the platforms or steps of such cars, and to prevent persons from jumping on or off said cars while the same are in motion, and to enforce order, decorum and cleanliness in said cars, and to prevent tampering with its electric wires or motors. Any person who shall smoke or attempt to carry fish, fowl, game, dogs or other things likely to soil said cars, or incommode the passengers thereon, or who shall be drunk or who shall refuse to pay fare in the manner required by the rules of said company, or who shall be guilty of any disorderly, rude or indecorous conduct, or improperly interfere with the conductor or driver or passengers on said motor or cars, or the animals drawing the same, or who shall otherwise disobey the proper rules and regulations of said company, may

Rules and regulations.

be required to leave said car, or be excluded therefrom ; and any such person who shall fail or refuse to obey such proper regulations of the said company, when notified so to do by the driver or conductor of such car, or who shall decline to leave such car when properly directed so to do, shall be guilty of a misdemeanor, and, on conviction thereof shall be fined not exceeding fifty dollars for each and every such offense. Said Mobile Light and Railway company shall have the right to cut off the service of electricity from any person or corporation who shall be in arrears to the said company for thirty days.

Conductors may enforce orders and rules.

SEC. 13. Be it further enacted, That any conductor, driver or ticket agent, whose duty it shall be to sell tickets to, or to collect fares from passengers, or to give change to passengers, for the purpose of enabling such passengers to pay or deposit their fares in boxes provided therefor, or who, for the sale of tickets, or for the purpose of depositing the same in said boxes, or as the payment of any passenger's fare, or who, without authority, shall collect fares from passengers, shall receive any money, ticket, check or other thing which, under the regulations of said company, can be used for the payment of fare, and who shall intentionally fail to properly account for or to pay over to said company the said money, ticket, check or other thing received for fare, and in the manner in which, and at the time when, by the rules and regulations of said company he is required so to account for, or pay over such fares, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished for the first offense by a fine not exceeding one hundred dollars and imprisonment in the county jail, or by sentence to hard labor for the county for not exceeding three months, and for any subsequent offense, by a fine of not less than one hundred nor more than five hundred dollars, and by imprisonment in the county jail or sentence to hard labor for the county for not less than three nor more than twelve months, and testimony that such agent, conductor or driver has failed to place the money, ticket, check or other tokens or fare in the box or receptical provided therefor, by the rules and regulations of the company, and testimony that such conductor, driver or agent has failed to properly and promptly register the collection of such

Conductors misappropriating fares.

Failure to register fares.

fares on any indicator, register, bell punch or the like, furnished by the said company and required to be used by such agent, conductor or driver for the purpose of registering the number of passenger fares collected, shall be presumptive evidence that the said conductor, driver or agent intended to defraud the company of said fares, which he so failed to deposit or so failed to register, and that he is guilty of the offense hereinbefore defined.

SEC. 14. Be it further enacted, That in the construction and maintenance and operation of its said electric lines the said company shall be subject to all reasonable rules and regulations of the city authorities, or the board of revenue and road commissioners, as the case may be, as to the proper placing, attachment, fastening, insulating, constructing, protecting and caring for their poles and wires so as to prevent the escape of electricity therefrom and causing of accident thereby, and the authorities of the said city of Mobile are hereby authorized to make and enforce such reasonable regulations as may be necessary to prevent electrical or other interference between the wires of said Mobile Light and Railway Company and the wires of the city and of other corporations operating street railways, telephones, electric light or telegraph lines, and to that end may require, when reasonably necessary for that purpose, that the trolly wires of two lines of railways may be attached to the same span wire, or may require the adoption by both companies of any other proper precaution or device. Provided, That when a more recently constructed line is required to be attached to the span wires of any previously constructed line, just compensation for the use of such first constructed wire shall be first paid to the owner thereof, to be assessed and paid in the manner authorized or required by law.

Rules and regulations governing line.

Other wires or lines.

SEC. 15. Be it further enacted, That each and every street car conductor and inspector shall be a conservator of the peace and have the powers and duties of police officers in the city of Mobile and as constables in the county of Mobile, to arrest and apprehend for all offenses committed on their cars or in connection with the operation of said road.

Powers of conductors.

SEC. 16. Be it further enacted, That nothing in this act contained shall be so construed as to give the cars or motors of said company a precedence of right of way

Proviso.

over the engines and truck of the fire department of said city of Mobile when going to a fire or when responding to an alarm of fire, or to the locomotives and cars of any steam railroad company crossed by its said lines. Approved February 13th, 1893.

No. 218.] AN ACT [s. 280.

To incorporate the Mobile and West Alabama Railroad Company, and to expedite the construction of said railroad.

Section 1. Be it enacted by the General Assembly of Alabama, That Thos. Seay, H. Austill, J. T. Rapier, J. W. Whiting, Howard Douglass, R. C. McCalla, John T. Milner, L. B. Musgrove, George C. Almon, R. T. Simpson, W. J. Wood and their associates, be, and they are, hereby constituted a body politic and corporate by the name of the Mobile and West Alabama Railroad Company, and by that name, or by such other as the stockholders, after their organization, may adopt, are hereby authorized to sue and be sued; to make a common seal, the same to break, alter and renew at pleasure, to have and to hold real and personal property for the present and future business and purposes of such company, as well as such other property as said company may acquire by gift, devise, donation or purchase, for investment or development, and to have and enjoy and secure their franchises within any other State that may grant, authorize or permit the same; to make rules, regulations and by-laws for the management and direction of such company or corporation not contrary to the laws of this State, and generally to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the full carrying out of the objects and purposes of this act. Provided, That the persons named in the first section of this act shall constitute and be the board of directors of said company for the first year after the passage of this act. Said board of directors shall meet in the city of Mobile on a day hereafter to be named by the Hon. Thomas Seay, one of said directors, notice of said meeting to be given by Thomas Seay to

Corporators.

Rules and by-laws.

Organization.

the other directors, and at said meeting said board of directors shall organize by electing a president and secretary and treasurer, and shall thereupon proceed to receive subscriptions for stock; and in case of the death of Thomas Seay, or his failure to act, the meeting shall be called by the next named directors then living and acting, who shall give said notice. The directors shall have the right to limit the amount of stock to which each stockholder can subscribe. For the purposes of this act, the Hon. W. J. Wood, formerly a citizen of Alabama, but now of Nashville, Tennessee, shall be considered a citizen of Alabama.

SEC. 2. Be it further enacted, That said company is hereby authorized and empowered to survey, locate and construct, alter, maintain and operate a railroad with one or more lines of tracks of rails from the city of Mobile, via Tuscaloosa and Greensboro, to Florence, Alabama, on such route or routes as may be deemed best; with branches from the same in any direction, and on such railroad and branches from the same in any direction, and on such railroad and branches said company is authorized to take and carry, for hire, persons and property, by the power and force of steam, animal or other mechanical power, or any combination of them. Provided, That said company shall not be required to build any greater portion of its said road as above authorized than it may from time to time find to its interest to do so.

Survey and location of lines.

SEC. 3. Be it further enacted, That said company is authorized to build such railroads through the cities of Mobile, Tuscaloosa, Greensboro and Florence as they see proper, with the right, from time to time, to connect by branches, switches or tracks with other railroads now existing, or hereafter to be built in or near said cities of Mobile, Tuscaloosa, Florence and other cities, by a belt line or lines, otherwise.

Roads to be built.

SEC. 4. Be it further enacted, That for the purpose of constructing said railroad and branches, the said company is hereby authorized to lay out the same, not exceeding one hundred feet wide, and for the purposes of depots, machine shops, warehouses, engine houses, car or depot yards, or other structures, necessary or convenient for the business of the company, and for the purpose of cutting embankments, and for switches, connecting tracks and turnouts, or for the purpose of protecting

Roadway.

its structures, may take as much more land as the necessities of said company may from time to time require for the use and protection of said railroad and structures, or for the extension of their lines or facilities; Provided, no Bnch property shall be taken or applied unless just compensation to the owner shall first be made as required by the constitution of the State, to be determined as hereinafter provided, but said company may, by its engineers, surveyors, or agents, previously enter upon any lands for the purpose of surveying, locating and laying out its said railroad structures ; Provided, That said company may lease for a term not exceeding one hundred years, any terminal or depot facilities or easements owned by any other person or corporation, and such person or corporation, are hereby authorized to make such lease for such terms, or said company may sell to or exchange with any other company any easement procured by it when found to be advantageous so to do; and said company is hereby authorized to own busses, hacks, baggage and mail wagons, and to operate the same, in connection with their railroad, at any point where they may be deemed necessary by said company for the public accommodation, or to make transfer connections, or said company may either separately or jointly with other railroad companies contract with one or more responsible parties at principal stations for the prompt and ready acceptance at all trains of a sufficient number of busses, hacks, baggage and mail wagons, for the transfer of all mails, passengers or baggage, and such other companies are hereby authorized to enter into such joint contract.

Rights of way.

Licenses.

SEC. 5. Be it further enacted., That said company may, in lieu of constructing any portion of its line or branches, purchase outright, or acquire by lease for a term of not exceeding one hundred years, the road bed of any other railroad, or any portion of such other railroads, whose lines may be located in whole or in part along the line of its proposed railroad or branches, or said company may for the purpose of making through lines make common stock or traffic arrangements, or contracts for a joint use of tracks, or any other lawful contract whereby it may sell or lease as aforesaid to or from such other company, any or all of its said railroads or branches, and the franchises thereof; and the said Mobile and West Alabama railroad company may have and enjoy all the fran-

May buy other roads.

chises of any railroad so purchased or leased by it in addition to the franchises in this charter conferred.

SEC. 6. Be it further enacted, That there is hereby granted to the said Mobile and West Alabama Railroad company, its successors and assigns from any of the lands belonging to this State along the route of said railroad or branches, a strip of one hundred feet in width, being fifty feet on each side of the center line of said railroad, with the right to take adjacent thereto as much more of said lands as may be necessary for cuttings or embankments in constructing the road bed, and not exceeding five (5) acres in any one case, for the purpose of establishing thereon depot facilities at regular stopping places.

Rights of way Through State lands.

SEC. 7. Be it further enacted, That wherever necessary to secure a suitable and convenient location, or whenever the topography of the locality may require the said railroad company may cross and build along the right of way of another railroad for a consecutive distance of not exceeding, in any case, ten miles, and said railroad and branches may be built across or on and along any of the highways or public roads of the country, or across or along the streets of any incorporated town or city which may lie on its route, and through which it may be necessary to pass, or across any of the navigable waters along the line or lines of its route; Provided, that the said highways, roads and streets shall, after the construction of said railroad thereon, or thereover, be restored to as good a condition as practicable ; And provided further, that in crossing any river on its route or branches at any point navigable for boats or barges engaged in commerce, they shall place thereon a drawbridge giving a passage of not less than eighty feet wide; Provided, that in such case the right of way along or over the right of way of any other such railroad shall be condemned under the forms of law as now provided, and the consent of incorporated towns and cities shall be first had and obtained to the use of the streets or alleys for such right of way before the same shall be so used and occupied ; and the municipal authorities of any incorporated town or city on the line of said road is authorized to grant the privileges of enclosing any street for the purpose of providing or procuring depot ground and car yards.

Crossing other roads.

Drawbridges.

SEC. 8. Be it further enacted, That the capital stock of said company shall be six millions of dollars, but maybe

Capital stock.

increased by a vote of a majority of the stock represented at any stockholders meeting called for the purpose, as provided by section 1589 of the code of 1886, or any amendment thereof, or general law passed as a substitute for said section, but said company may commence operation whenever so much as fifty thousand dollars of said capital stock shall be subscribed bona fide in money, labor or property, of which the majority is owned in Alabama and by bona fide citizens only of Alabama. The capital stock shall be divided into shares of one hundred (100) dollars each, which shall be deemed personal property, and may be transferred in such manner and in such places as the by-laws of said company shall direct.

SEC. 9. Be it further enacted, That said company may construct, purchase or lease and own and operate, lines of steamships, steamboats or other vessels or water crafts within or without this State, or the United States, in connection with their railroad, for the purpose of transporting coal, iron or other products or merchandise to or from the markets of the world, or they may make any lawful working contract with any line of steamboats or vessels for the purpose aforesaid, and may build, own, rent or hire wharves or warehouses, or such other appliances or fixtures as may be useful or necessary in carrying on their business. Steamships.

SEC. 10. Be it further enacted, That the corporate powers of said company shall be vested in a board of directors of not less than five nor more than eleven, as shall from time to time be fixed by the by-laws adopted by the stockholders of said company, and in such other officers and agents as said directors shall appoint or authorize. The board of directors, except those first provided for in this act, shall consist of stockholders annually chosen by the stockholders of said company. All stockholders may vote by proxy as may be prescribed by the by-laws, and shall be entitled to a vote according to the number of shares held by each one respectively. A majority of the board of directors shall be a quorum for the transaction of business, and shall have the power to fill any vacancy occurring in the board by death, resignation or other disability of any member. They shall elect, annually, one of their number to be president, who shall also be president and executive officer of the company, and a secretary and treasurer, who shall give bond as may Board of directors.

Officers of company.

be required by said board. Said board of directors shall also have power to require to be paid the sum subscribed by stockholders in such manner and at such times as it may deem proper, and on the refusal or neglect on the part of any stockholder to pay such installments, the shares of such delinquents, after legal disabilities have been removed, may, after thirty days notice, be sold at public auction, under such rules as the directors may previously prescribe; the surplus, if any, from the proceeds of sale after payment of the balance due, shall be paid to such stockholder, but nothing herein contained shall prevent said company from collecting by proper proceedings at law, the amount due on any subscription.

Sales of delinquent stock.

Meetings. The board of directors shall hold their meetings at such times and places as may, from time to time be fixed by the by-laws, but all stockholders meetings for the election of directors shall be held at some point on the line of said railroad, within the State of Alabama. The board of directors may elect, appoint or provide for the appointment of any officer, agent or servant they may see fit, and in case of any vacancy in the board of directors by death, resignation or otherwise, such vacancy shall be filled by the directors. The directors and other officers shall hold their offices one year and until their successors are elected and qualified. The failure to elect directors on the day appointed by the by-laws, shall not work a forfeiture of the company, but a meeting may be called by the president for that purpose as may be prescribed by the by-laws ; or if he fails or refuses to call such meeting upon the written application of the stockholders owning one-fifth of the capital stock of such company, or upon written application of three members of the board of directors, they may call such meeting by advertisement, as above prescribed.

Vacancies.

SEC. 11. Be it further enacted, That said company is hereby authorized to take, purchase, hold and use the real estate as named in the preceding sections of this act, and may by its agents, officers, surveyors, engineers and servants, enter upon any lands and tenements through and upon which the company may deem it necessary to make the road and improvements, and to survey, locate and contract for the land or right of way with the owners, upon which it proposes to make improvements, or to build the railroads. In case the lands belong to the es-

Rights of way.

tate of any deceased person, then the contract may be made with the executor or administrator of each, or in case the same belongs to a person not sui juris, then, with his or her guardian; or in case the lands be held by trustees of school sections, or other trustees of estates, then with such trustees, and the executors, administrators, guardians and trustees are declared competent, and are authorized for such estate or minors to contract with the company for the right to use, occupy and possess the lands of such estates, minors, or trustees, so far as may be useful or necessary for the construction, maintenance and operation of the railroad, and the act and deed of such executors, administrators, guardians and trustees in relation thereto, shall pass the title in the lands in the same manner as if the act or deed was made or done by a legal owner of full age ; and such executor, administrator, guardian or trustee shall account to those interested upon their respective lands for the amount paid him for them in pursuance of such agreements or composition, or if the company, or any parties representing lands prefer, they may refer the question of compensation to arbitrators mutually chosen, whose award, or that of the umpire in case of disagreement, shall vest title according to its terms.

Titles to lands.

SEC. 12. Be it further enacted, That if the company cannot agree with the owner or owners of any of the lands as above provided, concerning the transfer of title to the company, or with the executor, administrator, guardian or trustee, as provided in the preceding section, or if the owner of the lands is unknown or incapable of acting, or refuses to treat on the subject, or lives out of the State, the probate judge of the county in which any of the lands are situated, on the written application of the company, or its authorized agents or attorneys, is required to give notice to the parties in interest of the filing of the application, and also the day and date the commissioners of awards will meet on the premises as described in the application, to settle and determine the compensation to be paid by the railroad company for the use and occupancy of the premises above stated. If the person on whom such notice is to be served resides in the State, and is not an infant, idiot, or person of unsound mind, service of a copy of the petition, or application, and notice shall be made on him, his agent or at-

Damages to land owners.

torney authorized to contract for the real estate described in the application or petition, personally or by leaving a copy at the usual place of residence of such person on whom such service must be made, or if the person lives out of the State, and has an agent in the State authorized to contract as above, then upon him in the manner above stated, or if the person having control of the lands is an executor, guardian, administrator or trustee, and lives in the State, service may be made on him as above stated in this section; or if the person owning or controlling or interested in the land is unknown, or has no agent in, or whose agent's name is unknown, or if such person owning said lands lives outside this State, then, and in all such cases, and in all other cases unprovided for in this section, the probate judge shall give notice in some newspaper published in the county for three consecutive weeks, or by posting such notice at the court house door for a like period, if there is no newspaper published in the county, and by forwarding to the postoffice of the county of such non-resident or agent, known notice of the application and time of meeting of the commissioners of award as aforesaid, and shall appoint some competent agent or attorney to represent all such parties, to be paid for such service out of the award made by the commissioners, not exceeding three dollars per day for the time he may be actually engaged in the examination of the premises, and about making the award. If the owner of such land is a married woman, then the service shall be made upon her personally, if resident in this State, or if a non-resident, then by publication for three successive weeks as above, or in other words, as if she were a femme sole.

Notice to land owners.

Pay of commissioners.

SEC. 13. Be it further enacted, That upon the filing of the application the probate judge of the county shall appoint not less than five nor more than seven persons as commissioners of award, possessing the qualifications prescribed by law for jurors, who shall upon the day appointed by the probate judge go upon the premises and take and subscribe before some officer authorized by law to administer oaths in this State, the following oath to wit: "You and each of you do solemnly swear that you will well and truly try the case now pending and submitted to your decision, between ——

Commissioners of award.

railroad company, complainant, and A. B. claimant, and that you are neither directly nor indirectly interested in the issue to be tried, and that you have no bias or prejudice resting on your mind for or against either of the parties, and that you will render such compensation to the defendant as to you shall seem just and proper in the premises, so help you God." The majority of the commissioners being present and not disqualified from acting from any legal cause, they shall proceed to organize themselves into a commission by electing a foreman from among themselves. If any commissioner fails to appear on the day appointed, or is disqualified from acting from any legal cause, his place may be filled by agreement between the parties in interest, or they may consent in writing that those present and not disqualified may act, but if they fail to agree, the foreman shall appoint some one from the bystanders who is properly qualified to serve in the place of such disqualified or absent commissioner, and the commission being fully and properly organized, they shall proceed to examine the premises in person, and shall examine under oath, which they are authorized to administer, all such witnesses as may be produced by the parties, issue subpoenas for witnesses, adjourn their meeting from time to time, and do all things necessary and lawful to enable them to arrive at a fair and just compensation to be paid for the damages actually done or to be done to the owner of any of the lands by the building of the railroad. The foreman shall pro- Award of dam-
side at the deliberation of the commission. The find- ages.
ings and awards shall be signed by each of them and returned by the foreman to the probate judge of the county and placed among the records, and upon the depositing by the railroad company with the probate judge the amount of the award of the commissioners, together with the costs of such commission, the company shall be fully authorized to go upon and take possession of the land, and build its railroads and improvements on the same; and if after sixty days from the date of the award of the commission no appeal is taken by either party, the probate judge is required to

issue and deliver to the company on the payment to him of the award and cost of the commission as above, a deed or instrument in pursuance of, and in accordance with, the findings and award of the commission-

Occupation of lands.

ers, giving it the right to take, hold, use and occupy the lands forever and for the purposes of the railroad, and forbidding any and all parties from interferring in any manner, or disturbing its possession of the same, or that of its legal assigns. An appeal may be taken

Appeals.

by either, upon giving security for costs of the appeal, within thirty days to the circuit court of the county wherein such award is made, in which case the cause shall be tried by jury, if either party demands it, and shall be tried de novo and the court shall render verdict upon the verdict of the jury, according to law. If the party appealing fails to secure a more favorable judgment in the upper court, than was awarded to or against such party in the lower court, such appellant shall pay the costs of the appeal. An appeal shall lie from the decision of the circuit court to the supreme court, if applied for at any time within sixty days from the rendition of the judgment, upon giving security for costs as in other cases of appeal from said court. The work of surveying, constructing and operating the railroad, and making improvements, shall in no wise be hindered or impeded by any proceedings after the commissioners have made their award and the company have deposited with the probate judge the amount

Appeal.

of the award and the cost of the commission. If, upon appeal and upon final decree, the amount deposited with the probate judge is less than the amount of the final decree, the railroad company shall make good the deficit, for which execution shall issue in favor of the defendant, but if less than the deposit originally made by the company, the probate judge shall refund the amount to the railroad company, and issue to them a deed or instrument of writing, conveying title according to the terms of the final decree; and in the proceeding before the probate court the said company may embrace in its application the lands of more than one person, and the same commission of award may, at the

same time, consider the damages of such several persons, but shall render separate awards as to the lands of each particular party. For services rendered in any proceedings under this section the commissioners of award shall each be allowed two dollars a day for their services, and witnesses only subpoenaed and in attendance shall be allowed the same fees as are allowed in trials before justices of the peace. For serving notice or subpoenas the same fees shall be allowed to the sheriff or constable, as the case may be, as are allowed for like services to such officers respectively in other cases. The probate judge shall receive for his services the following fees: For the filing of each petition, one dollar; for the appointment of each commission of award, two dollars; for the issuance of each notice to the owner of land, one dollar and a half; for publication of a notice to non residents, one dollar and a half, and cost of advertising; for filing and recording the award of the commission, two dollars; for preparing and certifying transcript of appeal, the usual fees allowed for appeals from the probate court; for filing applications for appeals and approving land for costs, one dollar. All costs incurred in the probate court, or before the commission of award, except the costs of appeal, shall be paid by the petitioners, and such petition shall be required to give security for costs at the time of filing said petition, or on the order of the probate judge thereafter made.

Fees.

SEC. 14. Be it further enacted, That a record of the petition, and the proceedings thereon, had in the probate court, shall be made in a separate book kept for that purpose, in which also may be recorded the record and proceedings in behalf of any other railroad company. In all cases of condemnation of lands for the benefit of railroad companies organized under this act, where there are two or more claimants to any money deposited with the probate judge of the county, the rights of the parties to any and all of such funds shall be determined by law. But in no event shall the railroad company be disturbed in the use and occupancy of any lands regularly condemned to its use under the

Record of proceedings.

provisions of this act, after it has deposited with the probate judge the said award and costs.

SEC. 15. Be it further enacted, That the said company shall not be required to condemn and appropriate in the first instance all property which is needful for it in the future development of its business, but may, in the construction of its railroad, and from time to time, as its necessities and convenience shall require, appropriate and acquire upon paying just compensation therefor as herein provided, such additional property as may be neceseary or convenient; Provided, that said company may, if it deems best in any case, resort to the provisions of article 2, chapter 15, title 2, part 3 of the code of 1886, or any other agent allowed, or to be allowed of a similar nature for the assessment of damages for property taken by it for railroad purposes in lieu of the provisions of this act.

May acquire other lands.

SEC. 16. Be it further enacted, That said company may borrow money for the purpose of carrying out the objects of this charter, and may make notes, bonds, or le other evidence of debt, and by a vote of a majority of its stock had at a meeting called for the purpose by notice in some newspaper published in the city of Mobile for thirty days, may secure the payment of such notes, bonds or other evidence of debt, by a mortgage or deed of trust on any or all of its franchises, and any or all of its property, both real and personal.

May issue bonds.

SEC. 17. Be it further enacted, That said railroad company may construct and operate a telegraph or telephone line or lines in and along and upon any and all portions of its right of way of its main line and branches, both for its own use, or for doing a public telegraph and telephone business; And provided, that the right to construct such telegraph or telephone lines shall not prevent any other person or persons or corporations from constructing similar lines of telegraph or telephone lines along such right of way, upon making just compensation as now provided by law.

SEC. 18. Be it further enacted, That said company may inclose any passenger platform or depot owned or used by it alone, or jointly with other railroads, and

may with or without such enclosure, in conjunction with any other company which may be the owner of such depot used by said Mobile and West Alabama railroad company, make and enforce regulations excluding any person or all persons from such platform or depot, excepting passengers and their escorts, public officers in the discharge of their duty, and such agents or servants of the regular transfer line at said place as said company may think necessary to facilitate the handling of baggage and mails, and the accommodation of passengers; Provided, that any of the above excepted persons may be also excluded if such persons behave in a noisy, boisterous or rude manner or is drunk. Agents and employes.

SEC. 19. Be it further enacted, That the grade of the railroad to be built under this charter shall not exceed thirty-one and sixty-eight hundredths feet per mile, going southward. Grade of road.

SEC. 20. Be it further enacted, That it shall be unlawful for the owners, managers or controllers of any railroad to be built through, on or along the canon or gorge above referred to, and to the city of Mobile, to make or enter into any combination, trade, transfer or arrangement with any person, railroad or transportation company, either in or out of this State, whereby the advantages and benefits to the people of this State in having a railroad constructed on the above low grade from the center of her mineral interests to Mobile are in any manner interfered with or lost, and all such combinations or arrangements are hereby forbidden and declared to be unlawful; nor shall said above mentioned railroad, no matter by whom built, be operated by any person or corporation owning, operating or controlling a parallel system. The true intent and meaning of this act is that nature having made here a channel only a few feet wide, for a cheap carrier for our minerals to the sea at Mobile, that no arrangement, condition or set of circumstances shall nihilize or interfere with or prevent its full enjoyment by the people of this State. Combinations prohibited.

SEC. 21. Be it further enacted, That when the com-

Notes of survey.

pany is ready to do business, the governor shall turn over to them the notes of the survey recently made for the Mobile, Tuscaloosa, Greensboro and Florence railroad survey.

Approved February 11, 1893.

No. 219.] AN ACT [s. 407.

To amend sections one and twenty of an act entitled "An act to regulate the taking of oysters from the public reefs in the State for sale or planting, approved December 10, 1892, and to repeal an act entitled "an act to regulate the planting and taking of oysters in the waters of this State," approved February 18, 1891.

SECTION 1. Be enacted General Assembly of Alabama, That section one of an act entitled "An act to regulate the taking of oysters from the public reefs of this State for sale or planting" be amended by adding

Proviso.

a proviso to the end of said section; Provided however, that no riparian rights under this section shall vest in any person, or be recognized by the State in and to the land covered by the waters between two parallel lines drawn as follows: one across the south end of Cedar Point, and one across the north end of Dauphin Island, both lines extending east and west from points mentioned.

SEC. 2. Be it further enacted, That section 12 of an act entitled "An act to regulate the taking of oysters from the public reef s in this State, "approved December 10,1892, be amended so as to read as follows: "Section 12. Be it further enacted, That the governor of the

Appointment by governor.

State is authorized, and shall appoint one chief inspector and three deputy inspectors, whose duty it shall be to inspect all oysters taken from the public reefs in this State, and to see that the same are culled, and that the oysters taken from the reefs are of the dimensions required, and that small oysters and shell are scattered on

the beds. Each inspector and deputy inspector shall each give a bond in the sum of two thousand dollars, payable to the State, and approved by the judge of probate of Mobile county. Said inspectors will be stationed at the following places to-wit : The chief inspector at Cedar Point, one deputy inspector in the city of Mobile, and one at Dauphin Island, and one at the shell banks in Baldwin county. Such inspectors and such deputies shall have the same power for carrying out the provisions of this law. The chief inspector shall receive for his services seventy-five dollars per month, and the deputies each, sixty dollars per month, payable out of the treasury, out of any moneys not otherwise appropriated and shall be payable monthly, provided that the deputies at Dauphin Island, and the Shell Banks shall not be paid more than eight and one half months service each year, commencing September 1st, each year. Salaries.
Such officers shall hold office for two years, unless sooner removed by the governor. And the governor is authorized to remove such officers upon the recommendation of the grand juries of Mobile or Baldwin counties,

SEC. 3. Be it further enacted, That the act entitled "an act to regulate the planting and taking of oysters in the waters of this State, approved February 18, 1891, be, and the same is hereby repealed.

Approved February 14, 1893.

No. 220.] AN ACT [H.630

To exclude certain territory from the corporate limits of the city of Talladega.

SECTION 1. Be it enacted, by the General Assembly of Alabama, That all that territory lying west of the Henderson Spring branch, be, and the same is, excluded from the corporate limits of the city of Talladega. Territory excluded.

SEC. 2. Be it further enacted, That all that territory lying north of the centre of the track of the East Tennessee, Virginia & Georgia railroad, and east of

the section lines dividing sections 22 and 23, and 26
Ditto. and 27, township 18, range 5, from where the said section lines cross the centre of the track of the said railroad, and run thence northward, be and the same is hereby excluded from the corporate limits of the city of Talladega.

SEC. 3. Be it further enacted, That nothing herein contained shall be construed to exempt persons and property within the territory by this act excluded from
Parties outside the said corporate limits from being liable for taxes
not exempted. due for the current fiscal year of the said city, viz: the mayor and aldermen of Talladega, nor from dues or obligations on account of streets or roads due at the time this act goes into effect; nor to exempt any person from punishment on account of a violation of the laws and ordinances of the said city which shall have been committed at the time this act goes into effect, nor of any of the remedies for the enforcement of any of the said liabilities by the mayor and aldermen of Talladega.

SEC. 4. Be it further enacted, That all laws and parts of laws in so far as they are in conflict with the provisions of this act, be and the same are, to that extent, hereby repealed.

Approved February 11, 1893.

No. 221.] AN ACT [H. B. 455.

To prohibit stock from running at large in parts of Chambers county, Alabama.

WHEREAS, Stock law is now in force in all of Chambers county, Alabama, except three sections of Beat 3 in said county; therefore

Section 1. Be it enacted by the General Assembly of Alabama, That an act of the General Assembly of Alabama prohibiting the running of stock at large in
Extended. Beats 7, 1, 2 and 13, Chambers county, Alabama, approved February 27,1889, be, and the same is, hereby amended so as to prohibit stock from running at large

in section 1 and 2, township 23, range 25; and section 6, township 23, range 26, Chambers county, Alabama.

SEC. 2. Be it further enacted, That after the passage of this act, said sections 1, 2 and 6 shall be under the regulations, and the persons residing in said sections or owning land therein, shall be under the same regulations and penalties as are prescribed by said act, approved February 27, 1889.

Approved Feb. 11, 1893.

No. 222.] AN ACT [H. B. 96.

To amend sections 1, 2 and 7, and to repeal sections 3 and 4 of an act to establish a separate school district, to be known as the Cullman School District, in Cullman county, Alabama, and for the appointment of a board of trustees for said school district, with certain powers and privileges, approved February 14, 1885.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1 of the said act be amended so as to read as follows: Section 1. That the corporate limits of the city of Cullman, in Cullman county, Alabama, shall constitute a school district separate and apart from the other school districts in the county of Cullman, and the inhabitants of the said city of Cullman are hereby incorporated by the name of "The Cullman School District." Cullman district.

SEC. 2. Be it further enacted, That section 2 of said act be amended so as to read as follows: Section 2. That the public schools of the said Cullman School District shall be under the charge of a board of education, to consist of the mayor of the city of Cullman, who shall be ex-officio president of said board, and six other persons, householders and freeholders, residents of said city of Cullman, to be elected by the mayor and councilmen of the city of Cullman at their regular meeting in May, 1893; the first two elected shall hold their office for the term of two years, and the second two elected shall bold their office for the Board of education.

term of four years, and the last two elected shall hold their office for the term of six years, and at each regular meeting in May, biennially thereafter, or as soon thereafter as practicable, they shall elect two persons of the qualifications above stated, to succeed those whose offices have expired, so that two of such persons shall be elected biennially. Vacancies in said board shall be filled by election by the mayor and councilmen of the city of Cullman, at the first regular meeting of the same after the occurrence thereof, or as soon thereafter as practicable, the members so elected to serve for the remainder of the unexpired term.

Elections.

The present board of trustees of said Cullman School District shall remain in office until the election of the board of education under this act. Said board of education shall have power to purchase, receive, hold and convey for and in behalf of said school district all such real and personal property as may be necessary or proper for the purposes of said school district, and shall control the disposition of all funds which may be received by or for said school district. They shall have power to lent or build suitable school houses, and buy furniture for the same. Said board of education shall, as soon as practicable after their election, organize by electing some suitable person or persons, whether members of the board or not, as secretary of the board and treasurer of the school district, and the secretary of the board and treasurer of the school district may be one and the same person, if the board shall so elect. That said board of education shall take the place of and have all the powers of the board of trustees in said original act, and wherever in said original act the words "board of trustees," or "trustees," are used, the words "board of education" are hereby substituted.

Board of trustees.

Officers.

SEC. 3. Be it further enacted, That section 7 of said original act be amended so as to read as follows: Section 7. That said board of education may meet at such time and places within said city as they may designate, and shall take such measures as may be proper to establish such schools in said district as may be necessary for the accommodation of the youths thereof of each race, to grade such schools, prescribe text books to be used therein, employ teachers, and generally to

Meeting of board.

make such rules and regulations for such school district as to them may seem best and are not in conflict with the laws of the State, it shall be the duty of said board of education, before the first day of August of each year, to prepare and file with the mayor of Cullman, an estimate of the money required for the maintenance of the public schools of said district for the succeeding scholastic year, and fur the erection and repair of necessary school buildings, and for furniture for the same, and. fuel for the schools, in order that the mayor and councilmen of the city of Cullman may make the necessary provisions to supply the funds required in said estimate. Provided, That no contracts shall be entered into, and no disbursements of any money or funds shall be made for buildings, except by the consent and under the direction and control of the mayor and councilmen of the city of Cullman. The said board of education, in connection with the faculty of the said school, shall have the right to grant diplomas to those who have creditably completed any of the prescribed courses of study, and certificates of scholarship or of proficiency in any of the courses of study. That the state superintendent of education shall furnish said board of education such books and blanks as are furnished to the county superintendent of education.

Estimates of money required.

Diplomas.

SEC. 4. Be it further enacted, That sections 3 and 4 of said act be, and the same are, hereby repealed.

SEC. 5. Be it further enacted, That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

Approved February 11, 1893.

No. 223.] AN ACT [H. B. 685.

To amend and re-enact section 6 of an act to incorporate the town of Greensboro, in the county of Hale, approved March 1st, 1870.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 6 of an act entitled an act to incorporate the town of Greensboro, in the county of

Hale, approved March 1st, 1870, be, and the same is, hereby amended and re-enacted so as to read as follows: Section 6. Be it further enacted, That the board of mayor and council of said town of Greensboro shall have power:

1. To employ a clerk, treasurer, and such other officers as may be necessary (who shall be removable at the pleasure of the board), to prescribe the duties of the clerk, treasurer and marshal and other officers, and to require of them bonds, with security, in such amounts as they may deem proper and right, for the faithful discharge of their duties.

General powers.

2. To determine the amount of salary, fees and perquisites to be allowed to the mayor, clerk, marshal and other officers.

3. To pass such laws and ordinances as may be necessary or proper to maintain and execute the powers in this charter granted, and for their own government and the government of said town, not contrary to the constitution and laws of this State, or to the restrictions herein imposed; and it is hereby expressly declared and enacted that the power and authority herein conferred are to be liberally construed for the attainment of the purposes for which it was granted.

4. To prevent nuisances, and to remove the same at the cost of the person committing them, or upon whose premises they may be found.

Nuisances.

5. To license, tax, regulate and restrain balls, dances for pay, theatricals and other shows, exhibitions, lectures, concerts and other amusements, except lectures and concerts for charitable purposes.

License.

6. To restrain and prohibit all disorderly houses, gaming houses, houses of ill fame, racing, prize fighting and cock fighting within the limits of said town.

Disorderly houses.

7. To prevent and punish all breaches of the peace, disorderly or riotous conduct, affrays, assaults, assaults and batteries.

8. To establish night and day watches and police, and appoint officers for the same, and to punish the officers, police and watches for neglect of duty or misconduct.

9. To prevent and disperse all unlawful or disorderly assemblages.

10. To establish and regulate markets, to sink and keep in repair and control public wells, and make all needful provisions for furnishing said town with good and wholesome water; to keep in repair all side-walks, alleys and streets; to open the same where they may be closed, and at all times to keep them free from obstructions of all kinds ; to widen and improve streets, alleys and side-walks now existing, and to establish, ascertain and open new ones, and to build and make bridges and drains, and to adopt measures necessary to preserve and regulate the same. Water.

11. To license and regulate carts, wagons, drays, hacks and carriages running for hire within the limits of said corporation.

12. To license and tax all transient merchants or dealers, who shall remain in the town less than one year ; to license and tax auctioneers, and regulate sales at auction, except sales under an order of any court, or by executors and administrators; to erect public scales with proper weights, scales and measures, and to appoint weighers and measurers, to weigh and measure in ca&es of disagreement between buyers and sellers; to license and tax any business or calling not herein mentioned for which a license is required by the State. Licenses.

13. To pass and enforce all ordinances deemed necessary or proper to prevent the introduction of infectious or contagious diseases within said town, and to preserve the health of the inhabitants of the same.

14:. To prevent and punish any disturbance of the public or private worship of God, or any assemblage of the inhabitants of said town, met for any lawful purposes, and to prevent and punish any indecent exposure of the person, profane or obscene language or exhibitions, and any thing else pernicious to the morals and good order of society.

15. To prevent stock or animals of any kind from running at large in the public streets and alleys of said town.

16. To prevent and punish malicious or wilful mischief to houses, fences, ornamental, fruit or shade trees, signs, sign-posts, tombs, monuments, or any other property within the corporate limits of said town, of whatever kind or description, to take and have control and management of the public grave-yard of said town, and, if necessary to elect a sexton to superintend the same and to fix his

pay and emoluments, to erect and keep a guard house for the confinement and imprisonment of offenders against the laws, by-laws and ordinances of said town.

17. To punish by fine, not exceeding ten dollars, and imprisonment not exceeding twenty-four hours, one or both, all contempts of the board of mayor and council, or any one of them, while engaged in the performance of their official duties; and by fine not exceeding fifty dollars, and imprisonment, or hard labor on the streets or other public works of said town, for not exceeding sixty days, any breach or violations of the laws or by-laws or ordinances of said town, and all fines, provided for in this act may be collected, by execution issued by the mayor or any councilman, or their non-payment punished by imprisonment or hard labor as aforesaid, at the rate of one day for each fifty cents of the fine and costs assessed against the party; Provided, That in all cases where judgments are rendered against persons under this act, and the laws, by-laws and "ordinances of said town made in pursuance thereof, the party against whom such judg ment may be rendered may have an appeal as hereinafter provided.

18. To prevent and punish vagrancy.

19. To punish wanton or unlawful interference with or damage to any part of the water works of the town.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved Feb. 11, 1893.

No. 224.] AN ACT [s. B. 477

To amend sections 4 and 4 1/2 of an act entitled an act to establish two branch agricultural experiment stations and agricultural experiment schools, one in North Alabama, and the other at or near Abbeville, in Henry county, in southeast Alabama, approved February 28, 1889.

SEC. 1. Be it enacted by the General Assembly of Alabama, That sections 4 and 4 1/2 of an act entitled an act to establish two branch agricultural experiment

stations and agricultural schools, one in North Alabama, and the other at or near Abbeville, in Henry county, in southeast Alabama, approved February 28, 1889, be and the same is hereby amended so as to read as follows:

Section 4. Be it further enacted, That for the equipment and improvement of said stations and schools there is hereby appropriated, out of the funds of the agricultural department in the treasury, not otherwise appropriated, the sum of six thousand dollars, to be equally divided between said stations for the first year and for every year thereafter, the sum of six thousand dollars, to be equally divided between said stations, seven hundred and fifty dollars of which sum shall be paid quarterly, to-wit: 1st of January, 1st of April, 1st of July, and 1st of October to each treasurer of said board of control at said station.

Appropriations.

Section 4 1/2. Be it further enacted, That the board of directors, have authority to purchase suitable lands, not to exceed in quantity eighty acres, for each of said stations, taking the title to the State; and to construct thereon the necessary buildings, and other improvements not exceeding more than two thousand dollars of the appropriation herein made for each station, in making such purchases, and in the construction of such buildings and improvements for each of said stations and schools during any one year. The board also have authority to appoint and discharge at pleasure such officers, agents or servants as are deemed necessary to the operation of the station, fixing their compensation, and may appoint a director to conduct the operations of the stations, under the superintendence and direction, and subject to the rules and regulations of the board.

Purchase of lands.

Agents appointed.

Approved February 13, 1893.

No. 225.] AN ACT [H. B. 265

To repeal an act entitled an act to regulate the practice and proceedings in civil cases in the circuit court of Jefferson county in this State, and in supreme court on appeal from judgments rendered in said cases, approved February 28, 1889 ; and also an act entitled an act to amend sections 1, 5, 8 and 13 of said act, approved February 5,1891, so far as said act relates to the county of Franklin.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to regulate the practice and proceedings in civil cases, in the circuit court of Jefferson county in this State, and in supreme court on appeal from judgments rendered in said cases, approved February 28, 1889, and also an act entitled an act to amend sections 1, 5, 8 and 13 of said act approved February 5, 1891, be and the same are hereby repealed, so far as the provisions of said two acts relate to the county of Franklin.

Approved February 11, 1893.

No. 226.] AN ACT [H. B. 425.

To amend Sections two, five, six and nine of an act entitled an act to incorporate the town of Tuskegee, in the county of Macon, and for other purposes, approved March 15, 1873.

Section 1. Be it enacted by the General Assembly of Alabama, That Section two of an act entitled, an act to incorporate the town of Tuskegee, and for other purposes, approved March 15,1873, be and the same is hereby

Government. amended so as to read as follows : That the government of said town shall be styled "the town council of Tuskegee," and shall consist of a mayor and four councilmen, inhabitants of said town, who shall serve for the term of two years and until their successors shall be duly elected and qualified ; each to be elected by the legal voters of said town, who shall consist of all male persons at the age of twenty-one years and upwards, who have resided

within the limits of said town for the space of three months next preceding the election at which they propose to vote; Provided, that a marshal of said town shall be elected in the same manner and for the same length of time, whose duties shall be prescribed by the mayor and councilmen as hereinafter provided.

SEC. 2. Be it further enacted, That section five of said act be amended so as to read as follows: That all elections for the mayor and councilmen and marshal take place on the first Monday in March, and every two years thereafter, but should an election not take place at the time designated, the corporation shall not for that cause be dissolved, but the mayor and councilmen and marshal shall remain in office until their successors are elected and qualified, and shall proceed to appoint some other day as near as may be, not exceeding thirty days, on which said election shall be held. Elections.

SEC. 3. Be it further enacted, That section six of said act be amended so as to read as follows: That all elections for mayor, councilmen and marshal shall be held and supervised by two citizens of said town, to be appointed by the mayor and councilmen, and at such election the marshal shall preserve order and act as returning officer, and the mayor and councilmen shall judge of the legality of such election, declare who has been elected and in all cases of a tie between two or more persons, shall determine which of said persons shall be mayor, councilman or marshal, as the case may be, only those members voting who are not interested in the result, and the oath of office herein prescribed shall be administered by the retiring mayor, or in case of his re-election, by some one of the former board of councilmen. How elections held.

SEC. 4. Be it further enacted, That section nine of said act be amended so as to read as follows: That the board of mayor and councilmen of said town shall have power, first, to appoint a clerk and treasurer and such other officer as they may deem necessary, removable at the pleasure of the board, to prescribe their duties and the duties of the marshal, and require of the bonds with security in such amount as they may deem necessary for the faithful discharge of their duties, and impose fines upon them for neglect or violation of duty, not to exceed in any case the sum of fifty dollars in amount for a single offense, and to fill vacancies in the office of clerk, treas-

urer and marshal by appointment whenever by any cause they become vacant.

Approved Feb. 11, 1893.

No. 227.] AN ACT [H. B. 422.

To incorporate the town of Rutledge, Crenshaw county.

SEC. 1. Be it enacted by the General Assembly of Alabama, That the town of Rutledge, in the county of Crenshaw, State of Alabama, be, and the same is hereby incorporated, and that the corporate limits of said town shall extend one half mile due west from the center of the court house square in said town, thence due south one half mile, thence due east one mile, thence due north one mile, thence due south one half mile, and the present and future inhabitants of the town of Rutledge, as by this act incorporated, shall be, and they are hereby made and constituted a body politic and corporate, under the name and style of "the town of Rutledge," under and by which name and style the corporate authorities shall sue and be sued, either in law or equity, and may purchase and hold property to the amount of five thousand dollars, and do all acts incident to bodies corporate.

Corporate limits.

SEC. 2. Be it further enacted, That the government of said town shall be styled "mayor and council of Rutledge," and consist of a mayor and four councilmen, citizens and householders of said town, who shall serve the term of one year, and until their successors are elected and shall qualify. Said officers shall be elected by the male inhabitants of said town over the age of twenty-one years, who shall have resided within its corporate limits three months next preceding the election. The mayor shall be ex-officio justice of the peace during his term of office for the purpose of carrying into effect all laws, by-laws and ordinances that may be enacted by the corporate authorities of said town, for the government of the same. Before entering upon their official duties, they shall take an oath to support the constitution of the State, and the oath of office therein prescribed.

Government.

SEC. 3. Be it further enacted, That all elections of said officers shall be held on the first Monday in April of each and every year, but the corporation shall not be dissolved should the election not take place on the day appointed, but the mayor and councilmen shall remain in office until their successors shall be elected and are qualified, and they shall order an election on some day not more than thirty days thereafter. The election for mayor and councilmen shall be in all cases conducted under the supervision of any two or more officers, except in the first election, which shall be held by three qualified electors appointed by the intendent and councilmen of the present incorporation, and all subsequent elections shall be held by two of the councilmen to be appointed by the board for that purpose. The mayor and council shall determine the legality of elections, declare who have been elected, and, in case of a tie, shall determine who shall be mayor or councilmen. Elections.

SEC. 4. Be it further enacted, That should any vacancy occur in the office of mayor or councilmen, such vacancies shall be filled by the remaining members of the board. Vacancies.

SEC. 5. Be it further enacted, That the mayor and councilmen of said town shall have power:

1. To employ a clerk; a marshal, who shall collect the taxes; also employ counsel for advice, and for the prosecution of offenders, and for the defense of all suits against the town; a treasurer, whose duty it shall be to receive, safely keep and disburse the funds and money belonging to said town. General powers.

2. To determine the fees and salaries of officers.

3. To enact such laws and ordinances as may be necessary to maintain the powers herein granted.

4. To prevent and remove nuisances at the cost of the person or persons causing them, or on whose premises they are found.

5. To license, tax, regulate or restrain any or all shows or exhibitions, public concerts, amusements or other entertainments.

6. To prohibit all disorderly houses, houses of ill fame, racing, prize fighting, cock fighting, gaming and gaming houses within the limits of said town.

7. To prevent and punish breaches of the peace and disorderly conduct, to define and punish vagrancy, and

to punish all other misdemeanors known to the laws of the State.

8. To establish night and day police.

9. To prevent and punish all unlawful assemblies.

10. To prevent and punish violation of the Sabbath,

Ditto. any disturbance or interference with public or private worship, to punish profane, abusive, insulting or obscene language, or indecent exposure of the person, or other improper exhibition.

11. To prevent and punish wanton, wilful or malicious mischief to houses, fences, fruit, shade or ornamental trees, animals or other property within the corporate limits of the town.

12. To keep in repair the public streets, sidewalks, alleys, avenues, bridges and wells; said town to keep them free from obstruction, to widen and change their direction, to discontinue or close them when expedient, and to open new ones.

13. To regulate weights and measures, to erect public scale houses, to appoint public weighers and measurers, define their duties and fix their compensation.

14. To license and regulate, or to prohibit the sale, giving away or disposition of spirituous, vinous or malt liquors or other intoxicating beverages, or intoxicating bitters or concoctions, and may fix such license at a sum not exceeding one thousand dollars.

15. To license and tax billiard and pool tables, bowling

Ditto. alleys and peddlers.

16. To prevent stock from running at large in the streets.

17. To punish by fine not exceeding one hundred dollars and imprisonment, or hard labor, or both, for not exceeding fifty days, any breach or violation of the laws or ordinances, by-laws and regulations of said town, and to impose additional hard labor or imprisonment for non-payment of fines and costs not exceeding thirty days.

Appeals. Provided, That in all cases wherein judgment shall have been rendered against any person he shall be entitled to an appeal to the circuit court of Crenshaw county, Alabama, under the rules and regulations prescribed by the laws of the State for cases tried in the county courts.

Ditto. And Provided further That in all cases of appeals from the mayor's court to the circuit court, when the defendant is convicted, the fine assessed against him in said

court shall be collected in money and paid over to the treasurer of the town.

18. To enact such laws and ordinances as may be necessary to regulate and govern hiring the convicts of the town, not inconsistent with the laws of the town, not inconsistent with the laws of the State.

19. To establish and regulate markets, and to rent out the stalls in the same, saving and reserving, however, an ample space therein for the use of the county people who may attend the same with marketable supplies, and to prohibit the selling of fresh meats, poultry, fish or game except at the public markets.

20. To take care of, remove, preserve, designate and regulate all burying grounds within the town.

SEC. 6. Be it further enacted, That said corporation shall have power to levy on all property, real or personal or mixed, within the corporate limits of the town, such taxes as may be necessary to defray the expenses of said corporation, and the principal and interest of any bonded indebtedness, or other indebtedness, which said corporation may hereafter incur, not to exceed the rate prescribed by the constitution and laws of the State for municipal corporations, and to enforce the collection of the same according to the provisions of this act. Taxes.

SEC. 7. Be it further enacted, That it shall be the duty of the clerk of the said town to make out by the first day of March in each and every year, in book kept for that purpose, a list of all the taxable property in said town, showing the name of the owner thereof, where the same is known, and where the name of the owner is unknown, showing that fact. That opposite the list of such property, it shall be the duty of said clerk to place the value at which the same was assessed for such taxes the year preceding, and after the said mayor and council have levied the taxes for said year, the said clerk shall place in a column opposite such valuations, the amount of taxes for which said property is liable under said levy. This book, when completed, must be returned to the mayor and councilmen, who shall cause ten days' notice to be given, by posting or by publication in a newspaper published in the town, of the time and place where correction will be made. When corrections shall have been made as above provided, the assessment must be marked approved. The assessment so approved shall have the force Tax lists. Tax books.

and effect of a judgment and execution, and in failure on the part of the owner of any property to pay said taxes, may collect the same by levy upon and sale of the property, or any other property of any kind owned by such delinquent tax payer. Provided, That no property of any kind shall be exempt from taxation, except such property as is exempt from taxation by the laws of the State; And provided further. That all sales of property under the provisions of this act, must be advertised by posting or publication in a newspaper published in the town, for fifteen days or more, which notice must contain a description of the property so levied upon, the name of the person to whom assessed, when known, and the amount of taxes for which it is to be sold; certificates of purchase must be given by the officer making sale of said property, similar in form to those given in sale of property for the collection of the State and county taxes, and shall have the force and effects of transferring titles thereof. The time and right of redemption of real property so sold shall be the same as provided for by the laws of the State, and at the expiration of the time for the redemption of the property sold, the mayor must, upon presentation of the certificates of purchase, execute a deed to the purchaser of said property in accordance with the laws of the State in relation thereto, and shall be entitled to the same fees therefor as provided in other cases.

Sales of property.

Redemption.

SEC. 8. Be it further enacted, That the said mayor and council of said town of Rutledge are hereby authorized and empowered to borrow a sum of money not exceeding twenty-five thousand dollars, for the purpose of building public school houses, other public buildings, and in improving and beautifying the town, and for that purpose the said mayor and council are hereby authorized and empowered to issue negotiable coupon bonds in such denominations as they see fit, bearing interest at the rate of not more than eight per cent. per annum, and running for such time as such mayor and council may determine, not exceeding twenty years, and to sell the said bonds to the best advantage for the benefit of said town, at not less than 95-cents on the dollar, the coupons thereof to be receivable in payment of all taxes and other dues to the

May borrow money.

Bonds.

said town of Rutledge; said bonds to be exempt from municipal taxes in Crenshaw county.

SEC. 9. Be it further enacted, That all persons residing within the corporate limits of said town who are liable to road duty, shall be liable and are hereby required to work on the streets in said town not exceeding ten days in any one year; Provided, that all such persons shall be exempt from such duty by paying such street taxes as the corporate authorities may impose, not exceding five dollars in any one year, and all such persons exempt from road duty by the laws of the State are also exempt from road or street duty within the corporate limits of said town. Work on streets.

SEC. 10. Be it further enacted, That the mayor of said town of Rutledge shall have jurisdiction of and power to try all violations of the laws, by-laws and ordinances of said town, and jurisdiction concurrent with the county and circuit courts of all misdemeanors known to the laws of the State committed within the corporate limits of said town, and shall have power to punish by fine or imprisonment all contempts of court or process, and in case of the absence of the mayor, or in case he is related to the defendant, or otherwise interested in the case, it shall be lawful for either one of the councilmen to act in the mayor's place. Jurisdiction of mayor.

SEC. 11. Be it further enacted, That the marshal have the same power to arrest offenders, execute process and enforce law and ordinances of the town, as sheriffs have, and shall be vested with the same authority in the discharge of his duties as is conferred upon sheriffs by the laws of the State; he shall also have power to arrest offenders for offenses committed in his presence, or for offenses which he has probable cause to believe were committed within the corporate limits of said town, and keep them in custody until trial, unless bail is given. Powers of marshal.

SEC. 12. Be it further enacted, That in addition to the powers hereinbefore granted, the mayor and councilmen of said town shall have power to pass any laws and ordinances necessary for the peace, health and good government of the inhabitants of the town.

SEC. 13. Be it further enacted, That no prosecution, suit or claim whatever, pending or to be brought under existing laws of said town, shall in any manner be effected, impeded or altered by the passage of this act, and all the existing ordinances, by-laws and regulations of said town of Rutledge, adopted in pursuance of the original charter of said town, and not inconsistent with the provisions of this act or the constitution and laws of the State of Alabama shall be, and remain in full force and effect as the by-laws and ordinances of said town until repealed, changed or modified by the mayor and councilmen under this act, and that the present officers of said town of Rutledge shall be subjected to the provisions of this act in all things that pertain to their official duties, and shall be vested with all the power and right conferred by this act during their term of office, and until their successors are elected and qualified.

Pending suits not affected.

SEC. 14. Be it further enacted, That before the mayor, treasurer and marshal of said town shall enter upon the discharge of their duties, each shall enter into bond with approved securities in the penal sum of one thousand dollars, conditioned to faithfully discharge the duties imposed upon them, and payable to the common council of Rutledge, to be approved by the mayor and council.

Official bonds.

SEC. 15. Be it further enacted, That the territory included within the corporate limits of the said town of Rutledge shall be a separate school district, and shall be entitled to its distributive share of all public monies for the maintenance of schools within the corporate limits of said town, in like manner as other school districts are entitled to such money under the laws of the State of Alabama.

SEC. 16. Be it further enacted, That all laws and parts of laws in conflict with this act shall be inoperative against the provisions hereof.

Approved Feb. 11, 1893.

No. 228.] AN ACT [H. B. 211.

To sell and dispose of certain rights in mineral lands sold for taxes and bid in by the State, to the several persons to whom they originally belonged.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in all cases where mineral rights in lands have been sold for taxes and bid in by the State, the same may be redeemed in the same manner, and under the same provisions of law in every respect as is, or may be, provided by law for the redemption or sale by the State, of real estate, and where such mineral rights were sold in a body and at one sale, any person who had an interest or parcel in such body so sold, may redeem or purchase his total interest or parcel therein. Such redemption or purchase shall extend twelve months from the time of the passage of this bill. The original owner shall have the preference right of redemption or purchase, by paying the taxes and costs due to the State, on his subdivision or tract. Redemption.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved Feb. 13th, 1893.

No. 229.] AN ACT [H. B. 951

To add ($1,847.20) eighteen hundred and forty seven and twenty hundredth dollars, to the sixteenth section funds, township 15, range 1 east Marengo county.

WHEREAS, Section 16, township 15, range 1, east, in Marengo county, Alabama, was a number of years since sold to Gen. Charles A. Poelnitz of said county, for the sum of four thousand dollars; and

WHEREAS, The State has paid the following amounts to said township as interest on said purchase money, viz : years, 1874 $188.00, 1875 $188.00, 1876 $94.00, 1877 $94.00, 1878 $141.00, 1879 $141.00, 1880 $141.00, 1881 Preamble

$141.00, 1882 $141.00, 1883 $141.00,1884 $141.00, 1885 $141.00, 1886 $157.60, 1887 $157.60,1888 $157.60, 1889 $157.60, 1890 $157.60,1891 $157.60,1892 $157.60,1893 $157.60. Total$2,952.80: and

WHEREAS, interest on said sum of $4,000 at six per cent, (the interest paid by the State on the sixteenth section fund) for a period of twenty years from 1874 to 1893, both inclusive, would amount to $4,800.00, and

WHEREAS, During said period of twenty years there has been paid to said township in said sixteenth section fund, the sum of $2.952.80, leaving a balance due said township by the State of $1,847.20. Therefore

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of eighteen hundred forty-seven
Amount added and twenty hundredth? dollars ($1,847.20) be and the same is hereby added to the sixteenth section fund, township 15, range 1, east, Marengo county.

Approved February 13, 1893.

No. 230.] AN ACT [H. B. 550

To repeal an act entitled an act to prohibit the sale or giving away of vinous, spirituous or malt liquors, or intoxicating bitters or beverages in Warrenton, beat No. 14, Marshall county, approved December 7th, 1888.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to prohibit the sale or giving away of vinous, spirituous or malt liquors or intoxicating bitters or beverages in Warrenton, beat No. 14, Marshall county, approved December 7th, 1888, be and the same is hereby repealed.

Approved February 13, 1893.

No. 231.] AN ACT [H. B. 446

To amend an act entitled an act to amend an act to incorporate the Florence Synodical Female College, and to confer additional powers on said corporation.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act to amend an act entitled an act to incorporate the Florence Synodical Female College, approved November 29th, 1892, be amended so as to read as follows :

Section 1. Section 2 of an act to incorporate the Florence Synodical Female College, passed over the governors veto on the 12th day of December, 1855, be amended so as to read as follows :

Section 2. That the legal title of all property, real or personal, which has heretofore been conveyed or donated to the Synod of Nashville for the benefit of said institution by the president and trustees of the Florence Female Academy, or by the mayor and aldermen of the town of Florence, or by any other person, and the building and grounds in the town of Florence known as the Florence yhodical Female College, building and grounds (being a square of ground bounded on the south by Seminary street, east by Mobile street, north by Market street, and west by Tombigbee street) are hereby vested in said president and trustees of the Florence Synodical Female College, and their successors in their corporate capacity, with full power in them to convey and mortgage the same, or any part thereof, for the purpose of liquidating or securing debts incurred by said trustees for the benefit of said college, and for the purpose of raising money to repair said buildings, and to carry on the operations of said college ; and for the purpose of enabling said corporation more effectively to carry out the objects of its creation the following additional powers are conferred thereon :

Legal title to lands.

1st. To change the name of said corporation, by resolution adopted by its board of trustees, a copy of which, signed by the president and secretary of said board shall be recorded in the office of the probate judge of Lauderdale county, in the deed record of said county, and to repeat said change of name as often as may be deemed advisable.

Change of name.

2. To convey the property, real and personal, and the
May convey property. franchises of said corporation, to such corporation, person or persons as it may select, for such consideration as may be agreed upon (provided that such corporation, or person, or persons, shall undertake and agree to maintain in Florence a college or university for the education of white females), and to take, receive and enforce, such pledges, guaranties and securities from said corporation, person or persons, as in the judgment of the board of trustees will insure the performance of said undertaking and agreement.

3. To appropriate any funds which may arise from a
Use of funds. sale or transfer of said property—first to the payment of any debts and obligations of said corporation, and the remainder to hold in vest or loan on good security for such time as said board may deem advisable—and to use in such manner as said board may deem best for the promotion of the education of white females in Florence.

Approved Feb. 13, 1893.

No. 232.] AN ACT [H. B. 609

To prohibit the sale or giving away, or otherwise disposing of intoxicating liquors within one-half mile in every direction of the boundary line of the property owned by the Dallas Manufacturing company, upon which is located the Dallas Cotton Mills, near the city of Huntsville, or within four miles of Lebanon church in section 28, in township 5, range 1 east, Madison county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of any spirituous, vinous or malt liquors, intoxicating beverages, or bitters, or fruits preserved in alcoholic liquors, within
Boundaries one-half mile in every direction of the boundary line of the property owned by the Dallas Manufacturing Company upon which is located the Dallas Cotton Mills near the city of Huntsville, or within four miles of Lebanon church, in section 28, township 5, range 1 east, Madison county.

SEC. 2. Be it further enacted, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars, and may be imprisoned in the county jail not more than six months. Penalty.

SEC. 3. Be it further enacted, That this law shall take effect on and after the first day of April, 1893, and the judge of probate of Madison county is hereby required to refund to any person or persons, who may have taken out licenses to sell liquor in said territory for the year 1893, three-fourths of any amounts paid therefor, and for this purpose said judge of probate, is authorized to retain a sufficient amount of money out of any funds coming into his hands for licenses. When to take effect.

Approved February 13, 1893.

No. 233.] AN ACT [H. B. 856.

To establish a City Court for the county of Talladega.

Section 1. Be it enacted by the General Assembly of Alabama, That there is hereby established, in and for the county of Talladega, an inferior court of law and equity, which shall be a court of record, and be called the city court of Talladega, which court shall have one judge, and shall have all the authority and exercise all the jurisdiction and powers within said county now conferred or which may be hereafter conferred, by law, on circuit or chancery courts in this State, and now conferred on the county court of said county ; and the judge of said court shall take a like oath of office and file the same in the office of the judge of probate of Talladega county, as required of circuit judges and chancellors, and shall within the State and within said county have the same authority and powers, and perform the same duties as a circuit judge or chancellor has and performs within the State and within the circuit or division, except that he cannot sit in a circuit court as a circuit judge, or in a chancery court as a chancellor, and the said court in its writs, practice and procedure, including appeals from and superintendence over inferior tribunals, and includ- Style and character of court.

ing appeals to the supreme court of the State, shall be governed by rules now in force or which may hereafter be provided by law in and for the circuit and chancery courts of this State, so far as the same are applicable, and not changed by the provisions herein contained; Provided, that the judge of said city court shall have power to make and adopt such rules of practice as may be required by a proper system of city court practice, subject to existing rules of law, and of superintendence by the supreme court of the State.

SEC. 2. Be it further enacted, That the judge of said court shall be appointed by the governor of the State within sixty days after the passage of this act, whose term of office shall be four years from the first day of January, 1894, and until his successor is appointed and qualified, and in like manner his successor shall be appointed every four years thereafter. Such judge shall have been a citizen of the State and of the United States five years next preceding his appointment, and during his continuance in office shall be a resident of said county, and shall be not less than twenty-five years of age, and learned in the law. Vacancies in the office of judge shall be filled by appointment of the governor for the unexpired term, and until his successor is appointed and qualified.

Appointment of judge.

SEC. 3. Be it further enacted, That the clerk of the circuit court of said county shall be ex-officio clerk of the said city court of Talladega on the law side of the docket, and shall have all the powers, and be liable to perform all the duties, and be subject to all the penalties in such city court as in like cases in the circuit court or county court, and shall be entitled to the same fees as in like cases in the circuit court now and hereafter allowed by law. The said court shall adopt a seal for the law side of the court, which shall be in the custody of said clerk.

Clerk.

SEC. 4. Be it further enacted, That the register in chancery of the chancery court of said county shall be ex-officio register of the said city court of Talladega on the equity side of the docket, and shall have all the powers, and be liable to perform all the duties, and be subject to all the penalties, as in like cases in the chancery court; and shall be entitled to the same fees and in like manner, as in like cases in the chancery court, now or hereafter

Register.

provided by law. The said court shall adopt a seal for the equity side of the said court, which shall be in the custody of the said register; Provided, that the said register, if a lawyer and otherwise qualified to practice law according to the rules of law in the State, may practice on the law side of the court, but not on the equity side.

SEC. 5. Be it further enacted, That the said court shall be held and the records thereof kept in the city of Talladega in said county. Said court shall hold two terms each year, commencing on the first Monday in March and November respectively, and continuing until six weeks before the succeeding term, and longer if necessary to dispose of the business pending in the court. The first week of each term shall be devoted to settling pleadings and disposing of all matters in civil cases, preliminary to reducing jury cases to issues of fact for submission to the jury, and hearing trials without jury. Grand jurors shall be drawn for the second week and petit jurors shall be drawn for the second and third weeks of each term, in the same manner as now or hereafter provided by law for circuit courts. The second week of each term shall be for jury trials of civil cases, and the third week for jury trials of criminal cases, and said city court shall have the same powers as the circuit court to issue special venires and to call in tales jurors, as the business of the court requires, in the progress of the term, and in capital cases venires shall be made up and jurors summoned in the same manner as in the circuit courts. Terms of court

SEC. 6. Be it further enacted, That in all civil cases the defendant shall be required to plead, answer or demur within thirty days from service, whether in term time or vacation, and after such service, and in other cases commenced otherwise than by suing out and service of summons and complaint, or subpoena, and in cases of acceptance of service and voluntary appearance, the defendant shall make defense by motion, pleas, answers or demurrers within thirty days after personal or other legal service, acceptance of service or voluntary appearance, or a default or decree pro confesso may be entered against him by the plaintiff or complainant, and taken advantage of on the call of the docket or on reaching the case, though the judge may for good cause shown, set aside the default or decree pro confesso, and allow the Time of pleading.

defendant to plead, answer or demur, defending on the merits. Thirty days after final judgment or final decree is rendered in any case, or sooner if the term of the court ends sooner, as to that case the term shall be ended. In garnishment cases, and other matters requiring issuance scire facias, defense must be made by the party to whom directed thirty days after service, in term time or vaca-

Defaults. tion, and on failure default may be entered by the adverse party and taken advantage of when the case is reached for trial. In garnishment cases on conditional judgment, the first notice is returnable in thirty days, and if served the garnishee must make the answer within three days after the return day of the writ, and if such return day was the first day of the next term in circuit court cases, and if the first notice be returned "garnishee not found," the second notice may then issue returnable in thirty days, and if the garnishee be not found and served, the second notice shall be returned by the sheriff with a like endorsement, and the conditional judgment be made absolute, as in circuit court cases, without regard to whether a term has passed or not. After thirty days from the rendition of a final judgment or decree in any case, it shall be the duty of the clerk or register

Executions. to issue execution, or sooner under the rules of law as in circuit and chancery court cases, respectively. As soon as a judgment or decree is rendered, on application, the clerk or register shall furnish certificate thereof for filing in the probate office, and execution from said court shall constitute liens as now provided in cases in the circuit and chancery courts.

SEC. 7. Be it further enacted That the sheriff and other officers shall attend on the said court and execute

Sheriff and other officers. its process as now or hereafter required by law on and for the circuit and chancery courts, and shall be entitled to the same fees therefor as in like cases and for like services in the circuit and chancery courts, and so of witnesses and jurors, and all officers, jurors and witnesses shall be subject to the same duties, liabilities and penalties as when acting under the authority of circuit and chancery courts. All original and mesne process shall be executed instanter and returned immediately upon the execution thereof.

SEC . 8. Be it further enacted, That all appeals in civil cases from inferior courts shall stand for trial, when

reached on the regular call of the docket, at any time after ten days notice of the suing out of such appeal shall have been given the adverse party as required by law. Appeals may be taken to said city court in all cases where appeals may be taken to the circuit court of said county, and in the same manner, and appeals may be taken to the supreme court from said city court in the same manner as in cases from the circuit court and chancery courts, with the further right of appeal by either party from any order setting aside a judgment by default, and from other orders granting new trials, and the supreme court shall pass upon the evidence offered below without indulging in any presumptions in favor of the findings of fact by the lower court. Appeals.

SEC. 9. Be it further enacted, That all cases shall be tried in the said city court without a jury, unless demanded by plaintiff or any one of the defendants, and in the trial of any cause at law, without a jury, in said city court, in addition to questions which may be, under existing laws, presented to the supreme court for review, either party may, by bill of exceptions, also present for review the conclusion and judgments of the court on the evidence, and the supreme court shall review the same without any presumption in favor of the ruling of the court below on the evidence, or its conclusions thereon, and if there be error, shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for future proceedings, as to the supreme court shall seem right. The demand shall oe made by the plaintiff for a jury by endorsement on the summons and complaint, affidavit for attachment, or other first paper filed in bringing suit, and at the time of filing it, or he shall have waived the right to demands jury, and the defendants or any one of them may demand a jury by endorsing such demand on the plea, demurrer, motion or other first paper in defense filed, or the defendants shall have waived the right of trial by jury. In trials; by jury, in addition to other items of cost, the sum of five dollars shall be taxed as "costs of trial" by the clerk, and when collected shall be paid by the clerk to the county treasurer of Talladega county, by him placed in the general fund of the county. On each conviction in criminal cases, whether tried by jury or not, in addition to other items of cost, the sum of five dollars shall be Trail and bills of exceptions. Jury trials.

taxed against the defendant as "cost of trials," and when collected shall be paid to the county treasurer of Talladega county, and by him placed in the general fund of the county.

Transfer of cases.

SEC. 10. Be it further enacted, That by consent of parties filed in the cause, cases now or hereafter pending in the circuit court, may be transferred, docketed and tried by the said city court as if originally instituted in said city court, and it shall be the duty of the said clerk to produce all papers, pleadings and evidence pertaining to such transferred Case, with a certified transcript of all minute entries made therein, and appeals from judgments in such cases when taken shall be from the said city court, and shall present for review all things done in both courts. The venue of cases in said city court may be changed to other counties in like manner and for like causes as from the circuit courts of the State.

Solicitor.

SEC. 11. Be it further enacted, That there shall be a solicitor of said court, who shall make such bond and perform such duties in and about such city courts as is now or may hereafter be required of circuit solicitors in circuit courts. He shall take a like oath and make a like bond of office, and file them in the office of the judge of probate of said county. He shall, at the time of his appointment or election, be a resident citizen of Talladega county, and over the age of twenty-one years, and learned in the law. He shall not be paid anything for his services by the State or county, but shall be entitled to all the fees in the city court allowed by law to or for solicitors' services in like cases in the circuit court, and such fees shall be paid to him instead of to the State. The said solicitor shall be appointed by the governor, within sixty days. after the passage of this act, and shall hold office until his successor is elected by the legislature in the session of 1898-9, and qualified. His successor shall be elected by the said legislature of 1898-9, and each successor in six years thereafter as other solicitors are elected.

Salary of judge.

SEC. 12. Be it further enacted, That the judge of the said court shall receive eighteen hundred dollars per annum, payable on his order to the county treasurer of Talladega county, monthly, at the end of each month, and such claim shall be a preferred claim against the county.

Approved Feb. 15, 1893.

No. 234.] AN ACT [s. 226.

For the relief of James M. Daniels and James B. Livingston, of Pike county, Alabama.

Section. 1. Be it enacted by the General Assembly of Alabama, That the county treasurer of Pike county, Alabama, pay to James M. Daniels and James B. Livingston the sum of one hundred and twenty-five ($125) dollars out of the fine and forfeiture fund of said county, out of any moneys in said fund not otherwise appropriated. Provided, That said sum shall be a preferred claim against said fund, and if there should be no moneys in said fund, said sum shall be paid out of the first moneys paid into said fund after the presentation of the claim of James M. Daniels and James B. Livingston to the county treasurer.

Approved February 15, 1893.

No. 235.] AN ACT [s. B. 213.

To amend section twenty-nine of an act entitled an act to incorporate the city of Ozark, in the county of Dale, approved February 3, 1891.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the mayor and city council of the city of Ozark, shall, within the limitations of this act, have power by ordinance :

General powers of council.

1. To levy and Collect taxes upon all property taxable by law for State purposes.

2. To levy and collect taxes upon all privileges, trades or occupations of not less than five nor more than one hundred dollars.

3. To appropriate money and provide for the payment of the debts and expenses of the city.

4. To make regulations to prevent the introduction of any contagious diseases into the city, to make quarantine laws for the purpose, and enforce the same, and punish the breach thereof.

5. To establish a system of free schools and regu-
Ibid. late the same.

6. To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances.

7. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

8. To make appropriations to open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair, streets, alleys and sidewalks, or to have the same done, and to plant shade trees, and to erect, establish and keep in repair bridges, culverts, sewers and gutters, and to make appropriations for lighting the streets, and for the erection of all buildings necessary for the use of the city.

9. To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns, brokers, coffee houses, confectioners, hawkers, peddlers, butchers, draymen, barbers, livery stable keepers and all other privileges.

10. To license, tax and regulate hackney carriages, carts, omnibuses, wagons, drays and all other vehicles, and to fix the rate to be charged for the carriage of persons and property within the corporate limits of the city.

11. To license, tax, regulate or prohibit or suppress theatrical and other exhibitions, shows and amusements.

12. To regulate or prohibit or suppress all gambling houses, disorderly and bawdy houses, and obscene pictures and literature.

13. To regulate, restrain or prevent the carrying on of manufactories, dangerous in causing or producing fires, and to prevent or suppress the sale of firearms, and the carrying of concealed weapons.

14. To regulate the storage of gunpower, tar, pitch, rosin, saltpetre, and all other combustible, explosive or
Ibid. inflammable material, and the use of candle lights, lamps, and steam pipes in stables, shops and other places, and to regulate the use and sale of fire crackers or toy pistols.

15. To establish standard weights and measures to

be used in the city, and to appoint a sealer of standard weights and measures, who shall have exclusive jurisdiction within the city.

16. To provide for the inspection and weighing or measuring of stone, coal, wood and all fuel, hay, corn, and other grain and cotton. Ibid.

17. To provide for and regulate the inspection of beef, pork, flour, meal and other materials in barrels, hogsheads, and other vessels or packages.

18. To regulate the inspection of butter, milk, lard and other provisions ; to regulate the vending of meat, poultry, fish and vegetables; to restrain and punish the forestalling and regrating of provisions; to establish and regulate markets.

19. To impose fine and forfeiture penalties for the breach of any ordinance, and to provide for their recovery and appropriation.

20. To impose penalties upon the owner or owners, occupants or agents of any house-wall or side walls or other structure that may be considered dangerous or detrimental to the citizens, unless after due notice to be fixed by ordinance, the same be removed or repaired.

21. To regulate, tax, license or suppress, the keeping or going at large of all animals in the city; to impound the same, and in default of redemption, in pursuance of ordinance to sell or kill the same.

22. To provide for improving, enclosing and regulating all public grounds belonging to the city, in or out of the corporate limits.

23. To impose penalties upon persons convicted of cruelty to animals.

24. To regulate and provide for the construction and repair of sidewalks and foot pavements, and if the owner or owners of the adjacent lots shall fail to comply with the provisions of such ordinance within such time as may be prescribed, the city council may contract for the construction or repair of such sidewalks or pavements, and the city shall pay the same, and the amount so paid shall be a lien upon said lot, and may be enforced by attachment in law or equity, or the amount maybe recovered against said owner before any court Ibid.

of competent jurisdiction; to compel the owners of buildings to erect fire escapes when necessary for the safety of occupants.

25. To grant the right of way through the streets,
Ibid. avenu s and squares of said city for the purpose of street or other railways, telephone, telegraph and electric light companies, and for laying pipes of gas, and pipes of water companies.

26. To take and appropriate grounds for widening or extending streets or parts thereof, or for laying out new streets, squares, avenues, parks or promenades, when the public convenience requires it, upon just compensation to be determined by the laws of the State regulating proceedings of ad quod damnum, and condemnation by railroad corporations.

27. To establish, regulate or change fire limits within said city, and to pass all necessary ordinances for, the protection of said city against fire, and for this purpose may remove wooden buildings or other structures, paying the owner therefor a reasonable price, which shall be determined by arbitration, the arbitrators to be selected as follows: One by the owner of the property and one by the mayor of the city. In case of failure to agree, the arbitrators so selected shall choose a third arbitrator, and the amount agreed upon by a majority of the arbitrators shall be final; and to punish by fine or imprisonment the erection of any building in said fire limits, other than those prescribed by ordinance.

28. To regulate the speed of trains, cars or locomotives on railroads or tramways in streets, and to punish violations of such regulations.

29. To establish and build drains, sewers, acqueducts,
Ibid. and reservoirs, and to regulate the same, and to take and appropriate any lands or rights of way necessary for such drains, sewers, acqueducts or reservoirs upon just compensation, to be determined by the laws of the State regulating proceedings of ad quod damnum ; and to pass all ordinances necesssry to compel owners of lots or real property to drain or ditch the same, at the expense of the owner, and to punish the refusal or

neglect of such owner or agent of such property by fine or imprisonment, one or both.

30. To prevent and remove all nuisances at the expense of the person causing the same, or upon whose premises the same may be found ; to regulate privies, and privy and water closet sinks and wells. Ibid.

31. To make all ordinances necessary concerning idlers, paupers, vagrants and disorderly and vicious persons, and for correcting or restraining their vicious habits.

32. To punish all persons who, in any manner obstruct policemen in the arrest of any person in police limits, and for the punishment of any person, who, when called upon to aid in the arrest of any person, shall fail to give such aid, or when summoned to act as patrol, refuse to act, and when any person is so called on and aids such officer as required, he shall not be liable to punishment therefor, nor to any damages in civil suit, provided he did no more than was necessary to affect such arrest.

33. To punish injuries to streets, sidewalks and trees, and to private or city property.

34. To exempt from city taxation for a period of not longer than five years any new enterprise, business or industry, which may come into said city after the passage of this act. Ibid.

This bill not having been either approved or returned with objections to the House in which it originated, within five days, Sundays excepted, after its presentation to the governor, has become a law by operation of the constitution, on February 15, 1893, and the governor therefore directs that it be filed in the office of the secretary of state with the other laws.

No. 236.] AN ACT [s. 378.

To amend the charter of the Electro Libration Company, which is a body corporate chartered under the general statutes of the State of Alabama, and to reduce its capital stock.

Section 1. Be it enacted by the General Assembly of Alabama, That the charter of the Electro Libration Company, which is a body corporate under the general laws of Alabama, having been incorporated by declaration filed in the probate office of Jefferson county, Alabama, be, and the same is, hereby amended, by the of redaction of its authorized capital stock from one million dollars to five hundred thousand dollars, and that five thousand shares of the capital stock of said corporation which is held by the said company having been contributed and surrendered to it by its original subscribers and which is now in the treasury of said company, be, and the same is hereby cancelled and shall not be issued.

Reduction of capital.

SEC. 2. Be it further enacted, That the charter of said corporation heretofore granted by M. T. Porter as probate judge of Jefferson county, under the general statutes of incorporation of this State as so amended as above set forth be, and the same is hereby ratified and confirmed.

Approved Feb. 15, 1893.

No. 287.] AN ACT [H. B. 941.

To constitute certain territory in Greene county, Alabama, a separate school district, and to provide for the management of the public schools in said school district, and to direct and provide for the disbursement of the school fund collected under the provisions of this act.

Section 1. Be it enacted by the General Assembly of Alabama, That the following territory situated in Greene county, Alabama, to wit:- All of section twenty-nine (29); all of section twenty-eight (28); the south west quarter of section twenty-seven (27); the south west quarter of the south east quarter of section twenty-seven (27); all of section thirty-three (33); all of section thirty-four (34); the east half of section thirty-two (32); the west half of the north west quarter of section thirty-five (35); the west half of the south west quarter of section thirty-five (35); all in township twenty-two (22); of range two (2) east; the north half of section three (3); the west half of the north west quarter of section two (2); the north half of the south west quarter of section three (3); the north half of section four (4); the north half of the south east quarter of section four (4); the north east quarter of the south west quarter of section four (4); the north east quarter of section five (5); all in township twenty-one (21); of range two (2) east; shall constitute a public school district separate and apart from the remaining school district of Greene county, and shall be known as the Eutaw Public School District. Boundaries.

SEC. 2. Be it further enacted, That the public schools of said district shall be under the control and management of a board of education, to consist of seven suitable persons, one of whom shall be mayor of the town of Eutaw, the other six shall be elected by the mayor and board of aldermen of the town of Eutaw from the qualified electors of said town who are not members of said board of aldermen, at the first regular meeting in Match, 1893; the six to be elected by said Board of control.

mayor and board of aldermen are to be divided into three classes, two in each class. The first class shall hold office for a term of two years, the second class for four years, and the third class for six years, and biennially thereafter the mayor and board of aldermen of said town of Eutaw shall elect the successors of the two members of the board of education whose term of office expires and they shall hold office for a term of six years. Vacancies in said board of education caused by death, resignation or removal, shall be filled for the unexpired term by the mayor and board of aldermen of said town of Eutaw. The mayor of said town of Eutaw shall be ex-officio chairman of said board, and shall have a casting vote where there shall be a tie in any question before said board.

Vacancies.

SEC. 3. Be it further enacted, That each member of said board of education shall, upon his introduction into office, take and subscribe an oath or affirmation faithfully to discharge the duties imposed upon him as a member of such board; such oath shall be in writing, and shall be subscribed before any officer allowed under the laws of Alabama to administer oaths, and when taken shall be filed with the mayor of said town of Eutaw. A majority of said board shall constitute a quorum for the transaction of business. The members shall receive no compensation.

Official oath.

SEC. 4. Be it further enacted, That said board of education shall provide all rules, by-laws, or regulations necessary for the conduct of business that may come before it, and may elect one of their number as secretary who shall receive no compensation.

Rules, etc.

SEC. 5. Be it further enacted, That said board of education is authorized to establish and locate the number of public schools to be taught each year within of said school district, whether for male or female, white or colored, and perform all other duties necessary to the proper regulation and maintenance of such schools, and said board of education shall also elect teachers, fix their duties and compensation, prescribe the qualifications necessary to become a teacher in said schools, and said board of education, or a committee thereof,

Powers and duties of board.

shall examine all applicants to teach in said schools, and from such applicants shall select such as may be considered the best qualified for the position of teachers. Any of such officers, or teachers may be removed for cause to be determined by said board.

SEC. 6. Be it further enacted, That the Eutaw Public School District shall receive its proportionate share of the public school revenue, including its pro rata share of the sixteenth section fund of each township that lies partly within the school district established by this act, and shall also receive all the tax collected as poll taxes within the limits of said school district, for the use and maintenance of the public schools established by said board of education therein, the said fund and taxes to be drawn and received by the treasurer of said town of Eutaw in the same manner as county superintendents of education receive school funds; and that the Eutaw Public School District may receive from said town of Eutaw such sums or amounts arising from property tax not required to pay the interest and principal of bonds issued by said town for school purposes, as the mayor and aldermen of the town of Eutaw may annually appropriate for the use and maintenance of the public schools established in said district; and all moneys whether received from said town or from the State, county, poll taxes, or other source, shall be placed by the treasurer of said town of Eutaw to the credit of such board of education, separate and apart from the other funds in his hands, and it shall be disbursed as directed by said board of education.

School funds.

Tax moneys.

SEC. 7. Be it further enacted, That said board of education, after they establish the schools in said district, shall annually apportion to each school so established such an amount of the public school revenue and other funds collected, or placed to their credit under this act, for the current scholastic year as said board of education may deem just and equitable, and for the equal benefit of the children thereof between the ages of seven and twenty-one years.

Apportionment.

SEC. 8. Be it further enacted, That said board of

education may issue diplomas to all persons who sat-
Diplomas. isfactorily complete the course of study prescribed by said board of education for the public schools of said school district.

SEC 9. Be it further enacted, That the children and wards of all actual residents within the limits of the
Admission of pupils. said school district, from seven to twenty-one years of age, shall be entitled to seats as pupils in the public schools of said school district. Provided, Such children themselves be bona fide residents of said school district, an d non-resident children may be admitted into such schools on such terms and conditions as the board of education may prescribe, and said board of education is hereby authorized to provide separate schools for the children of citizens of African descent.

SEC. 10. Be it further enacted, That the said board
Fees charged. of education shall have power, and they are hereby authorized, to charge in the several grades of the public schools established in said school district, such tuition, matriculation, incidental or other fees as they may deem necessary for the proper conduct of said public schools.

SEC. 11. Be it further enacted, That the chairman of the Said board of education shall attend to the taking
School census. of the school census (with such assistance as may be allowed him by said board) whenever such census is required to be taken, and he shall make a full report of the same to the board and to the State superintendent of education.

SEC. 12. Be it further enacted, That all property, real or personal, now or hereafter owned by the town
School property. of Eutaw as school property, or which has been or may hereafter be purchased by said town of Eutaw for school purposes, shall be under the control and management of said board of education.

SEC. 13. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 14,1893.

No. 238.] AN ACT [H. B. 1051

To regulate the payment of claims against the fine and forfeiture fund of Marengo county.

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act all claims registered against the fine and forfeiture fund of Marengo county shall be paid in the order of their registration, and no preference shall be made in favor of claims due witnesses or other persons.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved Feb. 14, 1893.

No. 239.] AN ACT [H. B. 616

To perpetuate the United States government surveys of lands in Montgomery and Perry counties.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the board of revenue of Montgomery and Perry counties to provide a suitable ruled book to be kept in the office of the probate judge of said counties, fur recording therein the evi- Record books.
deuces found by any county surveyor of said counties to correctly establish the original quarters, sections and township corners, in accordance with the government survey notes. And also for recording therein the manner of perpetuating each corner established, giving date of finding, date of monumenting, kind of monument, with its marks, as well as old and new witness trees thereto, in the manner of marking witness trees in the United States government surveys.

SEC. 2. Be it further enacted, That it shall be the duty of each county surveyor of Montgomery and Perry counties, having found, or who may hereafter find a half mile post, a quarter section corner, a section cor- Stone monu-
ner, or a township corner, by evidences agreeing with ments.
the government survey notes for such corner, to place a stone post of a kind hereinafter provided, as a monu-

ment at the proper place for such quarter section, section or township corner, and to make notes of all the evidence he finds in accordance with the government survey notes to correctly establish each corner, together with any evidence which controlled his judgment in such location; and it shall also be his duty to make records in the book provided by the board of revenue of Montgomery and Perry counties for perpetuating the original surveys of all notes made by him of the evidences to be found of the original surveys, and other evidences which may have controlled his judgment in such location, and to describe the monument set up, and location of new witness trees relative thereto, in the same manner as notes of the original survey, giving date of finding corner and date of monumenting the same. On such record book of Montgomery and Perry counties' surveys, each surveyor must certify each corner separately under oath before the probate judge of Montgomery and Perry counties that such corner is located, established and recorded by him in accordance with the provisions of this act. Provided, That but one monument shall be erected for each section.

Notes of surveyor.

SEC. 3. Be it further enacted, That the board of revenue of Montgomery and Perry counties shall furnish to the county surveyor, properly marked, each kind of corner monument to be used, and also fix a price which shall be paid to him from the general funds of the county for each monument set up, in accordance with this act, such price not to exceed two and fifty-one-hundredths dollars.

Monuments furnished.

SEC. 4. Be it further enacted, That should any county surveyor wilfully set up any quarter section, section on or township corner monument at the wrong point or place for such corner, and make record of such wrong location, he shall be liable on his official bond to a fine not less than one hundred dollars, besides all damages to any land owner caused thereby, and cost of the investigation, including surveys and trials; one-half of the fine collected to be paid to the party prosecuting the cause.

Penalty on surveyors.

Approved February 14, 1898.

No. 240.] AN ACT [H. B. 695.

For the relief of Hugh Kirkman, former sheriff of Tuscaloosa county.

Section 1. Be it enacted by the General Assembly of Alabama, That the sum of three hundred dollars, ($300.00) be and is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the purpose of paying to Hugh Kirkman, former sheriff of Tuscaloosa county, in full payment to him for his fees and commissions in levying an attachment upon 1249 shares of stock in the Southern Mining and Transportation Company, as the personal property of Fred Wolff; and that the State auditor is required to draw his warrant upon the State treasurer in favor of said Hugh Kirkman for said amount of money.
Approved Feb. 14, 1893.

No. 241.] AN ACT [H. B. 762.

To better provide for competent men in the transportation service on railroads in this State.

Section 1. Be it enacted by the General Assembly of Alabama, That hereafter it shall be the duty of every person or corporation, operating a railroad in this State, before engaging any person or persons in their service as engineer, fireman, train dispatcher, conductor, flagman, brakeman, trackman or switchman, to subject the applicant for employment in such service to a thorough and rigid examination, to ascertain if the applicant for such employment be competent and well qualified to fill the position applied for. Such examination shall be made by the superintendent, or by some competent and skillful official or officials of the railroad, selected for such purpose by the superintendent. Examinations.

SEC. 2. Be it further enacted, That such examination shall be reduced to writing on printed blank forms provided for the purpose, and if the applicant shall be found qualified in all respects for the position before employment, the examination papers shall be referred to the Examination papers filed.

general manager, or other chief executive of the railroad for his approval or disapproval, and by him shall be filed in his office for future reference, and copies thereof shall be filed in the office of the superintendent in this State, or if there be no such superintendent, then in the principle office of such railroad in this State. Such examination papers, duly certified to by the officials of the railroad who shall have the custody of them, shall be evidence of their contents, and of the fact of such examination without further proof.

SEC. 3. Be it further enacted, That if, upon such examination, the applicant shall be found competent and well qualified to fill the position applied for, and his examination papers are approved by the general manager, or other executive officer of the railroad, then such board of managers shall issue a license to the applicant to engage in the occupation about which he has been examined, free of cost to the applicant.

License.

SEC. 4. Be it further enacted, That such examination shall be made respecting the capacity of the applicant to fill the position applied for, his moral character and reputation, his sobriety and his previous record, and his knowledge and familiarity with the rules and regulations of the railroad, governing its employes in the position applied for, as well as all of the general rules and regulations of the railroad, the knowledge of which may be necessary or proper for the skillful performance of his duty.

SEC. 5. Be it further enacted, That any person or corporation, operating a railroad in this State, who shall employ any person to fill any of the above named positions, without having first complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred nor more than five hundred dollars, in the discretion of the jury trying the same.

Penalty.

SEC. 6. Be it further enacted, That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

Approved February 14, 1893.

No. 242.] AN ACT [H. B. 939.

To authorize the mayor and board of aldermen of the town of Eutaw, Alabama, and their successors in office, to buy, purchase or otherwise acquire lands for the purpose of building school buildings, or lands with school buildings thereon, and to purchase, erect, add to, improve, and furnish school buildings and property in said town of Eutaw; and annually to appropriate such amount as said mayor and aldermen see proper for the support and maintenance of the public schools in the town of Eutaw.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the mayor and aldermen of the town of Eutaw, Alabama, and their successors in office, are hereby authorized and empowered to buy, purchase or otherwise acquire lands for the purpose of building school buildings, or land with school buildings thereon, and to purchase, erect, add to, improve and furnish school buildings and property within the corporate limits of said town, to be used for school purposes, taking the title and deeds therefor to themselves and their successors in office; Provided, that the total amount expended by the mayor and board of aldermen of said town, under this section, shall not exceed the sum of four thousand five hundred dollars. Purchase of property.

SEC. 2. Be it further enacted, That the mayor and aldermen of the town of Eutaw, and their successors in office, be, and they are hereby authorized and empowered annually to appropriate out of the funds belonging to said town of Eutaw, such sum or sums of money as they see proper to the support and maintenance of the public schools that may be established in said town at the time said appropriation is annually made ; which said sum of money shall be turned over and disbursed by the board of education of the Eutaw public school district; Provided, that said mayor and board of aldermen of the town of Eutaw shall not annually appropriate more than twenty per cent. of the gross revenue of the said town for the support and maintenance of such schools, but they may in their discretion, appropriate larger sums, or make special appropriations for the purchase of lands to be used for school purposes, or of school property, or for School funds.

the purpose of erecting, adding to, improving and furnishing shool buildings and property within the corporate limits of said town.

Approved Feb. 14,1893.

No. 243.] AN ACT [H. B. 940.

To authorize the mayor and board of Aldermen of the town of Eutaw, Alabama, to issue bonds of said town for an amount not to exceed four thousand five hundred dollars, for the purpose of purchasing lots or real estate, improved or unimproved, to be used for school purposes in said town, and for erecting, adding to or improving school buildings, and furnishing the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the mayor and board of aldermen of the town of Eutaw, in Greene county, Alabama, be, and they are hereby authorized to issue bonds of said town of Eutaw to an amount not to exceed four thousand five hundred dollars, for the purpose of purchasing lots or real estate, improved or unimproved, to be used for school purposes, in said town, and for erecting, adding to or improving school buildings and furnishing the same; said bonds to be issued for the sum of fifty dollars each, and shall be signed by the mayor and countersigned by the treasurer of said town, and shall have attached thereto interest coupons, signed and numbered to correspond with the bond, and setting forth the amount of interest which will be due at the time named in the said coupons. Said bonds shall bear interest at the rate of six per cent. per annum, payable annually. The mayor of said town shall keep a book of registration, in which he shall keep the number, description and amount of all bonds issued by him under the provisions of this act; and he shall issue said bonds on the order only of the mayor and aldermen of said town. Said bonds shall be issued to run for a period of thirty years before maturity; Provided, the corporate authorities of said town shall have the privilege and authority to call in and redeem any of said bonds before their maturity, after five years from the datet of their issue, upon payment of the principal and interes then due.

Amount and disposition.

SEC. 2. Be it further enacted, That the mayor and board of aldermen of said town of Eutaw are hereby empowered and authorized to do any and all things that may be necessary to carry out the powers hereby granted, either through themselves or by an agent, or agents, duly authorized or appointed by them for that purpose at any meeting of the said board, whether at a special or regular meeting thereof, and no technical informality, irregularity, neglect or omission in the proceedings or records of said board shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial papers. Duty of mayor and council.

SEC. 3. Be it further enacted, That the mayor and board of aldermen of said town of Eutaw are hereby empowered and authorized to negotiate and sell such bonds as are issued by them by virtue of this act, and the proceeds of said bonds shall be paid over to and kept by the treasurer of said town, and to be used and applied for the purposes mentioned and set out in the first section of this act; such use, payment and application of said proceeds to be under the direction, and by authority of the mayor and board of alderman of said town of Eutaw, and the treasurer to be responsible for the safe keeping of all the proceeds arising from the sale of said bonds which may come into his hands in his official capacity, the same as other town funds or money in his hands as treasurer. Sale of bonds.

SEC. 4. Be it further enacted, That it shall be unlawful for the said mayor and board of aldermen, or any member thereof or for any of the officers of the town of Eutaw, to apply the proceeds of the sale of the bonds issued in pursuance of this act to any other purpose than hereinbefore specified. The bonds authorized to be issued under this act shall be exempt from county and town taxes in said county of Greene.

SEC. 5. Be it further enacted, That the mayor and board of aldermen of said of Eutaw shall have power, and it is hereby made their duty to levy, from time to time, for each and every year within the constitutional provisions for taxation, a sufficient tax to pay at matu- Taxation.

rity all interest and principal of said bonds that may be issued under this act, which tax is not to be included in the ordinary expenses; and it is made the duty of the mayor and aldermen of said town to see that the money so arising shall be appropriated to the payment alone of the principal and interest of said bonds issued under this act ; Provided, that the total property tax levied by the mayor and board of aldermen of said town of Eutaw for each year for the ordinary expenses of said town, and under this act, shall not in any one year exceed one-half of one per centum of the value of such property, as assessed for State taxation, duringthe preceding year.

Approved February 14, 1893.

No. 244.] AN ACT [H. B. 172.

For the relief of J. W. Crossley, Sr., Tax Collector of Bullock county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the auditor of the State is authorized and required to draw his warrant upon the state treasurer for the sum of fifty-eight and 50-100 ($58 50-100) dollars in favor of J. W. Crossley, Sr., for the amount overpaid the State by him the year 1889, in poll taxes; Provided, the auditor shall find said sum or any less sum to be due said Crossley.

Approved Feb. 14, 1893.

No. 245.] AN ACT [H. B. 1000.

To prevent stock from running at large in certain portions of Hale county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall not be lawful for the stock of

any description whatever to run at large in that portion of Hale county to-wit: Commencing at "Five Mile Creek Bridge," on Greensboro and Tuscaloosa road, near the residence of the late Jas. McCreary, running thence up said Five Mile creek to the mouth of Dry creek, thence up said Dry creek to the section line which divides sections eleven and two, in township 22, range 5, east, thence west along said section line to the boundary lines of the present established stock law district, thence in a southerly direction along said boundary line to the place of beginning. Limits.

SEC. 2. Be it further enacted, That the owner of any stock running at large in said afore mentioned district, shall be liable to the injured for any damage done by said stock to the lands, crops, fruit trees, shrubbery or other property of said injured party in said district. Liability for damage.

SEC. 3. Be it further enacted, That whenever any damage is done to the property of any person in said district by stock running at large in violation of the provisions of this act, the party whose property has been damaged, may within ten days after such damage was done, make complaint against the owner of the stock doing the damage, to a justice of the peace or notary public of the precinct in which such damage was done or if there be no justice of the peace or notary public in the precinct where such damage was done, then to a justice of the peace or notary public of any adjoining precinct, describing the property damaged and the stock doing the damage; and whenever such complaint is made to the justice of the peace or notary public, he shall issue notice to the owner of such stock, commanding him to appear and answer such complaint on a day not less than five, nor more than ten days from the issuance of such complaint. Said justice or notary public shall also issue notice to three disinterested free holders to be selected by him, commanding them, under a penalty, not exceeding five dollars each, to be assessed against them for contempt, should they refuse to act, to assess and report to him on the day on which the owner of said stock is required to answer said complaint on their oaths the amount of damage the Damage suits.

complainant has sustained, which report shall be evidence on the trial of the cause, and if the owner of said stock appears on the day he is commanded to appear, and answer said complaint, the justice of the peace or notary public shall try such cause, and render such judgment therein as the justice and equity of the case demands, but if the owner of such stock does not appear and answer, the justice of the peace or notary public shall give judgment for the complainant for such damage as he may have sustained, and if such judgment be rendered for complainant, the justice of the peace or notary public shall also render judgment condemning the stock doing the damage to be sold for the satisfaction of such judgment, and the cost of suit, and shall issue execution on such judgment, commanding any constable of the county to levy on and sell such stock, describing them in the execution, for the satisfaction of such judgment and costs. The injured party is hereby declared to have a lien superior to all other liens on thestock doing such damage for the amount of the damage done by said stock.

SEC. 4. Be it further enacted, That either party shall
Appeals. have the right to appeal from the judgment of the justice of the peace or notary public in such cause.

SEC. 5. Be it further enacted, That should the owner of the stock doing the damage pay or offer to pay the
If payment party injured the amount of said damage, then, and in
made. that event, the person whose stock does the damage shall not incur the cost of any suit instituted for the recovery of such damage ; Provided, such payment or offer to pay was made before the institution of such suit.

SEC. 6. Be it further enacted, That the owner or manager of any stock who, knowing, suffers such stock
Owners of to run at large in violation of the provisions of this act,
stock liable. shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be lined not less than ten dollars nor more than five hundred dollars ; Provided, the owner of the land upon which the stock is found running at large shall alone have the right to institute such prosecution; Provided, further, that all criminal prosecutions under
May see fit. this act shall be barred unless proceedings against the offender is commenced within thirty days after the commission of the offence.

SEC. 7. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved Feb. 14, 1893.

No. 216.] AN ACT [H. B. 785

An act to incorporate the town of Kinsey in the county of Henry and State of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the town of Kinsey in the county of Henry, be and the same is hereby incorporated, and the corporate limits of said town shall extend one mile east, west, north and south from public well in said town. Corporate limits.

SEC. 2. Be it further enacted, That an election shall be held on the first Monday in March, 1893, and each and every year subsequent, to commence at 11 o'clock, a. m., on said day, and close at 4 o'clock, p. m., for the purpose of electing one mayor and four councilmen of said town of Kinsey, who shall take their seats on day of election, or as early thereafter as they can be qualified, and said mayor and councilmen shall hold their offices for the term of one year, or until their successors are elected and qualified. Said election shall be held by the Mayor and two councilmen, and in the absence of the mayor, by a majority of the councilmen. Due notice must be given of said election by posting written notices at three public places in said town for ten (10) days before said election. All persons within said corporate limits shall be entitled to vote in said election, who are qualified voters for members of the general assembly of this State, who have resided in said town ten (10) days before such election, and said mayor so elected shall ex-officio be a justice of the peace, and have all the jurisdiction that justices have, by the laws of the State within said county of Henry. Elections.

SEC. 3. Be it further enacted, That said mayor and councilmen may elect a clerk and treasurer and a marshal; they shall each severally take and subscribe an oath as follows, to-wit : “I, A. B. (or as the case may be) do solemnly swear that I will to the best of my ability discharge Official oaths.

all duties incumbent upon me as mayor (or as the case may be) of the town of Kinsey during my term ex-officio, so help me God;" together with the oath of office, required by the constitution of the State of Alabama, which oath shall be filed in the office of the judge of probate of said county, and it shall be the duty of the mayor to preside at all meetings of the said councilmen, and to preserve order and decorum; and in his absence or incapacity, any councilman may be called to the chair and preside, and the mayor and councilmen are hereby constituted a body politic and corporate by and under the name and style of the mayor and councilmen of the town of Kinsey, by which name they and their successors in office shall be capable in law and equity of suing and being sued, pleading and being impleaded, and in general to do and perform all acts which are incidental to all bodies corporate, to purchase and hold or dispose for the benefit of said town, real, personal and mixed property to the value of any sum they may see fit.

Powers.

SEC. 4. Be it further enacted, That said mayor and councilmen, or a majority of them are hereby invested with full power to keep open and in good repair the streets and alleys of said town, and to condemn lands for new streets, also the said ditches and sewers in said town, and to preserve peace and order, to impose fines, in cases of assault and batteries, and for violation of the ordinances of said town, in any sum not to exceed twenty dollars, and to collect the same, to prevent and remove nuisances, to suppress gaming of every description, to establish night watches and patrol, and to punish for neglect of patrol duty, to restrain or tax shows or exhibitions, and the sale of spirituous liquors in said town, to impose a fine, not exceeding twenty dollars for any violation of the by-laws for the purpose of carrying into effect the powers herein granted, and all other powers for the good government of said town, not inconsistent with the laws of the State and of the United States, which powers are hereby expressly granted to said corporation. Said mayor is hereby further invested with power and authority to suppress all affrays, riots, unlawful assemblies, insurrections, and breaches of the peace, all

General powers.

lewd, indecent, profane, riotous or disorderly conduct in any public place in said town, to do which he may summon any number of male inhabitants residing in said town, to aid him, which he may think proper. He may also and is hereby invested with full power to punish for contempt in the same manner, and under the same rules and regulations prescribed by the code of Alabama in reference to the punishment of contempt by justice, of the peace.

SEC. 5. Be it further enacted, That the said mayor and councilmen shall have the power to levy a tax on the property of said town, to raise money for the purpose of properly managing the affairs of said corporation. It shall be the duty of the clerk to issue all executions for taxes and fines, which may be necessary, and to issue all necessary process from said board of councilmen, and deliver the same to the marshal, and it shall be the duty of the marshal to serve and execute all papers, writs, summons and other process by said mayor, corporation and the clerk thereof, collect all executions for taxes and fines, and to pay the sum over to the treasurer, and do and perform all other duties which may be enjoinend on him by the laws and rules and by-laws of said corporation. Said marshal, clerk and treasurer shall enter into such bond and security for the faithful discharge of their respective duties, such sums as may be prescribed by said council, payable to said mayor and his successors in office before entering upon their respective duties, as the said council may decide and require.

Taxes.

Duties of marshal.

SEC. 6. Be it further enacted, That the mayor and councilmen shall have the power to remove from office the clerk, treasurer or marshal, upon satisfactory of reasons, and to appoint others, and to fill all vacancies in the board of either mayor or councilmen, who shall hold until the next general election, and also fix the salaries of such officers as in their judgment, they may deem sufficient.

Removal of officer.

Approved Feb. 14, 1893.

No. 247.] AN ACT [s. B. 100.

To amend section 8220 of the code of Alabama, relating to condemnation proceedings.

Section 1. Be it enacted by the General Assembly of Alabama, That section 3220 of the code of Alabama be amended so as to read as follows: 3220, court of probate open at all times, and this article applicable to crossings and intersections of railroads and street railways. The court of probate must be deemed always open for filing and trial of all applications made under this article, and the provisions of this article and all amendments thereto are specially made applicable to the proceedings for the purpose of ascertaining and assessing damages resulting from one railroad crossing or intersecting another.

Approved Feb. 13th, 1893.

No. 248.] AN ACT [H. B. 471.

To incorporate the Mobile and Spring Hill Railway Company.

Section 1. Be it enacted by the General Assembly of Alabama, That Frederick Swift, A. S. Benn, F. A. Luling and LeVert dark, and their successors and as-
Corporators. sociates, and the survivors of them, are hereby constituted a body politic and corporate, with the power to construct, purchase or lease, and maintain and operate street and suburban railroads and dummy lines, electric power and light plants, in the city and county of Mobile.

SEC. 2. Be it further enacted, That the name of said company shall be "Mobile and Spring Hill Bailway Company," but the company shall have the right to change its name by a two-thirds vote of its stockholders, at any regular or special meeting duly convened for that purpose; Provided, that a copy of the resola-

tions making such change, duly certified by the secretary and president of said company, under its seal, shall be filed in the office of the secretary of State.

SEC. 3. Be it further enacted, That said company shall have perpetual succession, and the right to sue and be sued in its corporate name, and shall also have and exercise the following rights and powers, namely:

General powers.

1. To have and use a common seal, and the same to alter at pleasure. To appoint such officers, agents and servants as the business of the corporation may require, fixing their duties and compensation and removing them at pleasure.

2. To make such by-laws and rules as are necessary for the regulation of its business and the management of its property and the transfer of its stock.

3. To acquire, hold, dispose of and convey such property, real and personal, as may be necessary or convenient for the uses and business of the corporation, and also such other property, real, personal or mixed, as may seem to the directors expedient or desirable for the said company to own, use and operate as an adjunct to, or in connection with, its lines of railway and electric light and power, such as public gardens and parks.

4. To take from the purchasers at the foreclosure sale had on January 16th, 1893, and thereafter to own, maintain, operate, exercise and enjoy all the license, franchises, railway and property formerly granted to the Mobile and Spring Hill Railroad Company by the statutes and ordinances made in aid of said company, except where the same conflicts with this act, and after such purchase to have and enjoy all rights, privileges and immunites vested in said Mobile and Spring Hill railroad company at the time of the foreclosure sale of the property and franchises of said railroad company. Said railroad company shall also have power to construct, maintain and operate other lines of street railroad, and lines for electric light and power, for the use of said railroad, upon any of the streets of the city of Mobile, or any of the public roads of the county of Mobile, for which a consent has been or may hereafter

be obtained, by said Mobile and Spring Hill Bail way Company, by ordinances or by-laws duly adopted by the proper authorities of the city of Mobile, or by orders or resolutions properly passed by the board of revenue and roads of Mobile county. The failure of said company to establish all the lines or construct all of the plants authorized by this charter shall not impair its franchises or rights to the portion of its plants actually constructed by it.

5. To borrow money, issue bonds and secure the payment thereof by mortgage, or mortgages, or deeds of trust, conveying all or any portion of its property and franchises, at an interest not exceeding eight per cent. per annum, payable semi-annually, and the same to sell at such discount as will not make a greater interest than eight per cent. per annum on the price obtained for said bonds, and the purchaser at foreclosure sale shall have all the franchises, rights and privileges pertaining to the particular plant or portion of lines or plant covered by such mortgage, which was vested in said company in reference thereto.

6. To operate its lines of railway by electricity, animal or mechanical power, and to generate the electricity for any of its plants by steam or water power; Provided, that this section shall not be construed as to vest aright to construct water mains in the city of Mobile.

Former franchises confirmed.

SEC. 4. Be it further enacted, That all of the franchises and privileges heretofore granted by the State of Alabama and by the city and county of Mobile, to the Mobile and Spring Hill Railroad Company, are hereby vested in the purchasers of the said railroad and franchise at the recent foreclosure sale thereof, and their assigns, according to the terms of said grants, respectively, but the rights by this act granted shall be subject to the right of all persons or corporations whose property is taken or injured, to just compensation before such taking; and the proper officers of the city of Mobile have the authority to hereafter contract to and with the said Mobile and Spring Hill Railway Company, for the use of the public streets and roads within the city and county of Mobile. The manner of

construction of said additional railways, and mode of operating the same, and the compensation for the carriage of persons thereon within the city limits, shall be such as may be agreed upon between the said city authorities and said company, and such contracts so made between such city and said railway company may be changed by agreement of both of said parties.

SEC. 5. Be it further enacted, That said railway company is authorized to purchase, take and own the capital stock of any other street or suburban or other railway company, operating within or partly within the city or county of Mobile, and may lease or sell any portion of its plants or lines to any other company or companies, or person or persons, authorized to own and operate such lines in said city or county of Mobile, or may lease or purchase, or contract for the joint use of the lines, poles or track of any other street, dummy line or electric light, power, telegraph, or telephone company, owning such lines in said city or county, or to purchase power for the operation of its lines from any other electric company, or may make oint stock or consolidate with such other street railways or companies, or may lease or sell to other companies, an easement in its own lines, and the capital stock standing on the books of any other street, suburban or dummy line railway company in the name of said Mobile and Spring Hill Railway Company, may be voted as directed by the board of directors, or as may be determined by the by-laws of said company, or in the absence of any by-laws or resolutions of the board of directors, by the president of the company. With other lines.

SEC. 6. Be it further enacted, That the stockholders of said company shall elect annually from their number a board of not less than three nor more than seven directors, who shall hold office for the term of twelve months, and until their successors are elected and qualified. All vacancies in the board shall be filled by the remaining members, and the management of the property and business of the corporation shall be under the direction of the board of directors, who shall have power to appoint and employ all officers, agents Directors.

and servants, fixing their compensation, prescribing their duties and removing them at pleasure, or delegate the appointment of subordinate officers and agents to the superior officers of said company, and to exercise such other powers as may be delegated to them by the by-laws of the company. Said board of directors shall elect from their number a president, who shall hold office for the term fixed by the by-laws of said company.

Capital stock.

SEC. 7. Be it further enacted, That the capital stock of said company shall be one hundred and fifty thousand dollars, divided into fifteen hundred shares of one hundred dollars each, which capital may be increased by the vote of the persons holding the larger amount of the capital stock, at a meeting of the stockholders called for that purpose, of which meeting, and the purpose for which it is called, thirty days notice must be given the stockholders by publication for four consecutive weeks in some newspaper of general circulation regularly published in the city of Mobile, and which notice shall be sent to those stockholders whose personal residence is known, by mailing them a copy thereof to their post-office address; Provided, That such notice shall also conform to the requisites of any general law passed upon the subject of increasing the capital stock of incorporated railway companies. If at any such meeting the persons holding the larger amount in value of such stock shall vote for such increase, the proceeding must be reduced to writing and signed by the president and each of the executive officers of the corporation and filed in the office of the judge of probate of Mobile county ; Provided, That said company may commence business whenever seventy-five thousand dollars of its capital stock shall have been duly subscribed, and fifty per cent thereof paid in, and subscriptions may be made in money or property, or labor at their moneyed value.

Stockholders meetings.

SEC. 3. Be it further enacted, The stockholders must meet annually at such time and place in the city of Mobile, and on such notice as may be prescribed by the by-laws. At all stockholders meetings any stockholder shall be entitled to vote in proportion to the number of shares held by him. Stock transfer books may be closed for five days prior to any stockholders meeting.

SEC. 9. Be it further enacted, Said company may acquire by gift, purchase or condemnation, right of way for its railway or electric lines, and in case the owner is unknown or the said company can not agree with such owner as to the value of the easement taken, or the compensation to be paid therefor, said company shall have the right to condemn, acquire title to, and take possession of such lands or easements or interests in lands as may be necessary or convenient for the exercise of the franchises herein conferred upon them, so far as such franchises pertain to the construction or maintenance of the railways and electric lines of said company, upon the payment to the owner thereof, or to the persons or corporations whose property is affected thereby, just compensation, to be assessed and paid in the manner which is now or may from time to time, hereafter be provided by law, for the taking of private property for railroads and other public purposes. Executors, administrators, guardians and other trustees of estates, are hereby authorized in any case to agree with said company as to the damage or compensation to be paid for the taking or injuriously affecting any property of the estate in their hands and are authorized to execute such releases, deeds and conveyances, as may be necessary to vest title for the property so taken by the said company ; Provided, That where by the constitution or laws of Alabama, any railroad or street railroad company, or person, whose lines of railway are crossed or legally entered upon by the lines of railway of the said Mobile and Spring Hill railway company may be entitled to prepayment of compensation, which said compensation or damages shall be assessed in the manner provided by article 2, chapter 15, title 2, part 3 of the code of Alabama, or by such other method as may from time to time be provided by law for the condemnation of lands for public uses.

Rights of way.

SEC. 10. Be if further enacted, Any person other than an employe in the discharge of his duty, who shall intentionally place upon the track, or upon any switch or turntable, or upon any of the railways of said company, any stone, rock, torpedo, cartridge, or other obstacle, or shall throw any stone or other missile into, or shall shoot at or into any motor or car upon said railway, or at the animals, drawing the same, or at any person on or in said motors

Obstructing tracks, etc.

or cars, or who shall wilfully interfere with the officers of the said company, in the performance of their duties in the repair, preservation or operation of said railway or electric lines, or who shall by force or other means seek to prevent, hinder or intimidate any of the officers or agents of said company, in the performance of their du-

Penalty. ties, or who shall wilfully or maliciously remove, obstruct, break or otherwise injure any of the railways, electric lines or property of said company, shall be guilty of a misdemeanor and on conviction thereof shall be fined not exceeding five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for twelve months, for each and every offense so committed by him or them, and all such persons shall be liable to said company in double the amount of the actual damage caused by such illegal acts, and also for exemplary damages when warranted under the circumstances; and a conviction under this sentence shall not prevent the prosecution of the offender for any greater offense embraced within the illegal act, nor shall this act preclude the prosecution of such person under any other law applicable to the case.

SEC. 11. Be it further enacted, That said railroad company shall have the superior right of way on its lines, for its motors and cars, over all other vehicles, whether going in the same or opposite directions, provided, that the cars of other street railroad lines constructed prior to the construction of the lines of said corporation, shall, as

Rights of way on lines. to such previously reconstructed lines have the superior right of way to the cars of the said Mobile and Spring Hill railway company, where the lines of both roads are so constructed as to each other that cars cannot be operated over both of said lines without interference, and it shall be the duty of the drivers of all such other vehicles to promptly turn them aside upon observing, or when notified of the approach of such motor or car, and any person other than those in charge of cars ,on other roads as above provided, who may be driving a vehicle on the track of the said company and obstruct the same, and failing to turn aside promptly when in proximity to, and upon seeing or being warned of the approach of said motor or car, or when requestsd to do so, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding fifty dollars ; Provided, That said railway

company may be authorized to construct its railway lines along the lines of any other street railroad for any consecutive distance of not exceeding five squares when so authorized by the authorities of the city or county of Mobile, as the case may be.

SEC. 12. Be it further enacted, That said company may make reasonable rules and regulations, to prevent persons from smoking on any car or any part thereof, and to prevent persons from carrying on the cars of said company, fish, fowl, game, dogs, or other things likely to soil said cars, or incommode the passengers thereon; and to prevent drunken persons from getting on or riding on said cars, and to enforce the collection of fares by depositing in boxes provided in said cars for the purpose, or by payment to the conductor thereof, or to a gate keeper; and to prevent children and others not intending to become passengers, from jumping or riding upon the platforms or steps of such cars, and to prevent persons from jumping on or off said cars while the same are in motion, and to enforce order, decorum and cleanliness in said cars, and to prevent tampering with its electric wires or motors; any person who shall smoke or attempt to carry fish, fowl, game, dogs, or other things likely to soil the said cars, or incommode the passengers thereon, or shall be drunk, or who shall refuse to pay fare in the manner required by the rules of said company, or who shall be guilty of any disorder, rude or indecorous conduct, or improperly interfere with the conductor or driver or passengers on said motors or cars, or the animals drawing the same, or who shall otherwise disobey the proper rules and regulations of said company, may be required to leave the said car or be excluded therefrom; and any such person who shall fail or refuse to obey such proper regulations of the said company, when notified to do so, by the driver or conductor of such car, or officer of said company, or shall decline to leave such car, when properly directed to do so, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding fifty dollars for each and every such offense.

Rules and regulations.

SEC. 13. Be it further enacted, That any conductor, driver or ticket agent, whose duty it shall be to sell tickets to, or collect fares from, passengers, or to give change to passengers for the purpose of enabling passengers to pay or deposit their fares in boxes provided therefor, or who, for the sale of tickets, or for the purpose of depositing the same in said boxes, or as a payment of any passenger's fares, or who, without authority, shall collect fares from passengers or shall receive any money, ticket, check, or other thing, which, under the regulations of the said company, can be used for the payment of fares, and who shall intentionally fail to properly account for or pay over to said company, the said money, ticket, check, or other thing received for fare, and in the manner in which, at the time when, by the rules and regulations of said company, he is required so to account for or pay over such fares, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished for the first offense by a fine not exceeding one hundred dollars, and by imprisonment in the county jail, or by sentence to hard labor for the county, for not exceeding three mouths, and for any subsequent offense by a fine of not less than one hundred nor more than five hundred dollars, and by imprisonment in the county jail, or sentenced to hard labor for the county for not less than three nor more than twelve mouths, and testimony that such agent, conductor or driver has failed to place the money, tickets, checks, or other tokens of fare in the box, or receptacle provided therefor, by the rules and regulations of the company, and testimony that such conductor, driver or agent, has failed to properly register the collection of such fares, on any indicator, register, bell-punch, or the like, furnished by the said company, and required to be used by such agent, conductor or driver for the purpose of registering the number of passenger fares collected, shall be presumptive evidence that the said conductor, driver or agent, intended to defraud the company of said fares which he so failed to deposit or so failed to register, and that he is guilty of the offense hereinbefore defined.

Tickets and fares.

SEC. 14. Be it further enacted, That in the construction and maintenance and operation of its electric lines, the said company shall be subject to all reasonable rules and regulations of the city authorities, or of the board of revenue and road commissioners, as the case may be, as to the proper placing, attachment, fastening, insulation, constructing, erecting and caring for poles and wires so as to prevent the escape of electricity therefrom, and causing accidents thereby. And the authorities of the said city of Mobile are hereby authorized to make and enforce such reasonable regulations as may be necessary to prevent electrical or other interference between the wires of said Mobile and Spring Hill Railway Company and the wires of the city, and of other corporations operating street railways, telephones, electric light or telegraphic lines, and to that end may require, when reasonably necessary for that purpose, that the trolley wires of two lines of railway may be attached to the same span wire or may require the adoption by both companies of any other reasonable precautions or devices. Provided, that when a more recently constructed line is required to be attached to the span wire of any previously constructed line, just compensation for the use of such first constructed wire shall be first paid to the owner thereof, to be assessed and paid in manner as authorized or required by law; and where the cars of said Mobile and Spring Hill Railway Company, under the franchises hereby granted, interfere with the operation of cars of any other street railway, owing to a conflict of schedules, and the companies or persons operating such roads cannot agree upon a schedule or manner of operation so as to prevent conflict, it shall be the duty of the general council of said city, to arrange a schedule so as to prevent interference, and to enforce obedience thereto.

Rules as to polls and wires

SEC. 15. Be it further enacted, That each and every street car conductor or inspector of said railway shall be a conservator of the peace and have the powers and duties of police officers in the city of Mobile, and as constables in the county of Mobile, to arrest and

Powers of conductors.

apprehend for all offenses committed on their cars, or in connection with the operation of said road.

SEC. 16. Be it further enacted, That nothing in this act contained shall be so construed as to give the cars or motors of said company a precedence of right of way over the engines and trucks of the fire department of said city of Mobile when going to a fire or when responding to an alarm of fire, or to the locomotives and cars of any steam railroad company crossed by its said lines.

Proviso.

Approved Feb. 14, 1893.

No. 249.] AN ACT [s. 161.

To dispose of the lands known as the swamp and overflowed lands, and the indemnity swamp lands patented to the State of Alabama, pursuant to acts of the United States congress.

SECTION 1. Be it enacted by the General Assembly of Alabama, That as soon as practicable after the passage of this act, the secretary of state of this State, shall prepare from the records in his office, or such information as maybe had on application to the General Land Office of the United States, a list of lands owned by the State of Alabama under the acts of Congress donating to the State the lands known as swamp and overflowed and indemnity swamp lands.

Lists of lands.

SEC. 2. Be it further enacted That it shall be the duty of the secretary of State to forward to the probate judge of each county in the State, a list of such lands situated in their respective counties.

Lists sent to judges.

SEC. 3. Be it further enacted, That it shall be the duty of each probate judge receiving from the secretary of state a list of such lands situated in his county, to advertise the same for sale for cash to the highest bidder, for three successive weeks in some newspaper published in his county, and also to post a copy of this

Advertisements.

law and a copy of the list of lands to be sold, at some public place near each voting precinct in his county three weeks before such sale. If no newspaper is published in the county, then a compliance with the requirements as to posting shall be sufficient notice.

Sales.

SEC. 4. Be it further enacted, That the sale of such lands shall commence in front of the court house in each county on the first Monday in December, 1893, at 12 M. and shall continue until all of such lands are sold or offered for sale.

Pay for advertising.

SEC. 5. Be it further enacted, That the probate judge shall pay for advertising the notices of sale at the same rate that is now paid for advertising tax sales.

Fees of judges.

SEC. 6. Be it further enacted, That the probate judges making the sales of such lands shall be entitled to two and one half per centum on the proceeds, and it shall be lawful to deduct such commissions and the cost of advertising from the proceeds of such sales.

Money paid to judges.

SEC. 7. Be it further enacted, That it shall be the duty of the probate judges to receive from the purchasers the money bid for such lands, giving receipts therefor, showing the amount received from each purchaser, and the land for which the money was paid.

Money sent to treasurer.

SEC. 8. Be it further enacted, That immediately after the close of such sales, each probate judge conducting the same shall, after deducting his commissions and the cost of advertising, forward to the treasurer of the Stat ethe net proceeds of such sales, and at the same time shall return to the secretary of state a list showing what lands were sold by him, the amount paid for each lot sold, and the name of each purchaser.

How lands sold.

SEC. 9. Be it further enacted, That in offering the lands for sale, it shall be the duty of each probate, judge conducting said sale, to offer all lands touching each other, in one lot. Lands separated from other subdivisions by intervening lands which do not belong to the State, shall be offered separately for sale.

SEC. 10. Be, it further enacted. That it shall be the duty of the secretary of state, upon the receipt of the. returns made to him by the probate judges, showing;

what lands have been, and to whom sold, to prepare

deeds conveying all right, title and interest of the state in and to the lands sold to the several purchasers thereof. In preparing such deeds, the secretary of state shall include all lands purchased by each purchaser in such purchaser's deed, unless otherwise directed by such purchaser. Such deeds shall be signed by the governor of the State, and by the secretary of state, and the form of the deed shall be prepared by the attorney general.

Reports to Governor.

SEC. 11. Be it further enacted, That it shall be the duty of each probate judge conducting such sales, to report in writing to the governor of the State, any interference with such, or any effort or combination to prevent competition at such sales, or to deter bidders from bidding for the lands offered for sale.

Sales may be set aside.

SEC. 12. Be it further enacted, That such sales are made subject to power in the governor of the State to set aside any sale of such lands, where the governor is satisfied for any cause the sale was interfered with to prevent competition at such sales, or to prevent the lands sold from realizing a fair price. Provided, however, that in all cases where the governor does not set aside such sales within sixty days after they are made, the sales shall stand confirmed; Provided, that no lands herein mentioned shall be sold for less than twenty-five cents per acre.

Holders of lands may purchase.

SEC. 13. Be it further enacted, That any person who is in actual occupancy by living on and claiming any tract of said lands by himself or through vendors, where such occupancy commenced sixty days before the approval of this act, shall be allowed to purchase not less than forty nor more than one hundred and twenty acres, in regular subdivisions, at the price of seventy-five cents per acre, before the sale of said lands under this act. Parties wishing to purchase under this section, must forward written application to the secretary of state with affidavits of two witnesses to sustain the averment of such application.

SEC. 14. Be it further enacted, That this act shall not apply to any lands owned by the State in the counties of Tuscaloosa, Lamar and Talladega.

Approved February 14, 1893.

No. 250.] AN ACT [s. 179.

To incorporate Pine Apple Male and Female college, Wilcox county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That William J. Melton, William H. Lloyd, John N. Stanford, Archer C. Luckie, William H. Grimes, Philip Kyser and Wiley M. Watts of Pine Apple, Wilcox county, Alabama, be and are hereby created a corporation and body politic, to be known as the trustees of Pine Apple Male and Female college, Pine Apple, Wilcox county, Alabama, until their successors are elected and installed, after which time their successors shall have all the corporate powers herein conferred. Corporators.

SEC. 2. Be it further enacted, That said corporation and their successors shall have power under and by said name to maintain a college at Pine Apple for the education of males and females of the white race, and to grant diplomas to all persons who shall complete the course of study which shall be adopted by said college, and to do and perform all other acts and things which are, or may be necessary, or proper in carrying out the purpose of a regular college. Powers of corporation.

SEC. 3. Be it further enacted, That said corporation and their successors shall have power to own, receive, or possess, by gift, grant, purchase, devise, bequest or otherwise, real or personal property not to exceed one hundred thousand dollars ($100,000), and said property shall be free from all tax, whether county, State or municipal, so long as said property shall be used exclusively for school purposes, and shall have power to dispose of said property by sale, grant or otherwise, and shall have all other rights and powers as are granted to similar educational corporations of Alabama. May own property.

SEC. 4. Be it further enacted, That said William J. Melton, William H. Lloyd, John N. Standford, Archer C. Luckie, William H. Grimes, P. Kyser and Wiley M. Watts and their successors shall elect the profes- Faculty.

sors and teachers, one of whom they shall make president, and the president, professors and teachers shall constitute the faculty of said college.

SEC. 5. Be it further enacted, That the faculty of said college, under the supervision of said corporation, may instruct in any of the arts and sciences, and may grant diplomas, certificates of scholarship and confer such degrees of literary or scientific distinction as are usually conferred by other colleges.

Diplomas and Certificates.

SEC. 6. Be it further enacted, That the faculty of said college may grant to the students of said college certificates of proficiency in all branches of study completed by said students in said college, after having examined them in such branches, as required by the school laws of the State of Alabama.

SEC. 7. Be it further enacted, That the trustees shall be elected annually by the stockholders of said corporation and local patrons of the college, but vacancies that may occur in the board of trustees maybe filled by the remaining trustees.

Trustees.

SEC. 8. Be it further enacted, That this act shall take effect from and after its passage.

Approved February 14, 1893.

No. 251.] AN ACT [s. 135.

Granting school privileges to persons paying local or special school tax on real estate, whether residents or not of the city or town in which the tax is imposed.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any person residing in the State of Alabama, and who shall pay a local or special school tax on real estate, valued at five hundred dollars or more, in any city or town or school district of said State, shall be entitled to the privileges and benefits of the Schools in such cities or towns or school districts, the same as those resident therein.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the foregoing are hereby repealed.

Approved February 14,1893.

No. 252.] AN ACT [s. 521.

To make repairs on the Capitol building, for furniture in the public rooms and for work on the Capitol grounds.

SEC. 1. Be it enacted by the General Assembly of Alabama, That for the year ending September 30th, 1893, and for the year ending September 30th, 1894, there shall be appropriated the sum of twenty-five hundred dollars for each of said years, in all the sum of five thousand dollars, for repairs on the capitol buildings, for furniture in the public rooms therein, and for work on the capitol grounds.

Approved February 14, 1893.

No. 253.] AN ACT [s. 309.

For the relief of Rueben Kolb, junior, and making an appropriation to refund to him one thousand and fifty-nine dollars, being money belonging to the State of Alabama, which was deposited by him in the bank of Moses brothers, for the use and benefit of the department of agriculture, but which was lost by reason of the failure of that firm in July, 1891, without fault on his part, less the amount paid thereon by the assignees of Moses Brothers.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an appropriation of one thousand and fifty-nine dollars be, and the same is hereby made for the relief of Rueben Kolb, Jr., formerly chief clerk in the department of agriculture, in order to refund to him a like sum of money which belonged to the State of Alabama, but which he, while chief clerk in the department Amount.

of agriculture, deposited in the bank of Moses Bros. for the use and benefit of that department, but which being lost by reason of the failure of that bank in July, 1891, without fault on his part, he had to make good to the State of Alabama, less the sum of one hundred and fifty-eight 85-100 dollars paid to said Kolb on said deposit by the trustees or assignees of said Moses Bros.

SEC. 2. Be it further enacted, That the money named in the foregoing section shall be paid out of any funds in the State treasury to the credit of said department of agriculture, not otherwise appropriated, and that the State auditor be, and is hereby authorized and required to draw his warrant on the treasury for the amount named in Section 1 of this act.

From what fund paid.

SEC. 3. Be it further enacted, That any dividends which may hereafter be declared by the trustees or assignees of Moses Bros. on the deposit of one thousand and fifty-nine dollars described in Section 1 of said bill, shall be paid into the State treasury to the credit of said department of Agriculture.

Approved Feb. 14, 1893.

No. 254.] AN ACT [s. 398.

To amend an act entitled an act to amend an act to incorporate the town of Prattville, approved December 9th, 1878.

SFCTION 1. Be it enacted by the General Assembly of Alabama, That section three (3) of an act entitled an act to amend an act to incorporate the town of Prattville, approved December 9th, 1878, be amended so as to read as follows, to-wit: That the intendent and councilmen shall have power to levy a tax on all property within said town, and on all personal property when the ownership or certificate of deposit is held within said town, to raise money for the purpose of properly governing and managing the affairs of said corporation. That they shall have further power to prohibit and suppress the sale, giving away or other disposal of vinous, spirituous or malt liquors, and all liquors or mixtures by whatever name called, that will produce intoxication, and all bitters, liq-

General powers.

uors and mixtures, used as beverages, containing any quantity of alcohol or spirituous, vinous or malt liquors, and all cordials, compounds or preparations, used as bev erages, containing any alcoholic, spirituous, vinous or malt liquors, and may pass all ordinances, which they may deem necessary to effect said prohibition or suppression, and for all violation of such ordinances or by-laws of the corporation, they may impose fines not to exceed one hundred dollars for each offense, and may imprison or impose hard labor for said town for a term not exceeding one hundred days. And that the intendant of said town shall have and exercise the same jurisdiction within the corporate limits, in all criminal matters and cases, as as are now conferred upon and given to justices of the peace, by the laws of the State of Alabama.

Approved Feb. 14,1893.

No. 255.] AN ACT [s. 328.

To provide record books and stationery for the office of the probate judge of Blount county, for use in the western division of said county, and to require such judge to keep the books, records and papers, so provided for at the court house at Bangor, or within one mile thereof, and to keep a clerk, who shall have authority in the name of the probate judge to do and perform all ministerial acts which are, or may be by law, required to be performed by such judge of probate in said western division, and to provide for the holding of probate courts at Bangor.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the court of county commissioners of Blount county to provide at the expense of the county all record books, necessary and proper for the recording of all deeds, mortgages, and all papers by law required to be recorded, and for the record of wills, and all matters connected with estates of deceased persons, and all guardianships, being and arising in the western division of said county, and

Record books.

pertaining to real and personal property in said division, and which records and books shall be similar and like unto the books and records now kept in the office of such probate judge at Oneonta, in said county.

Where kept.

SEC. 2. Be it further enacted, That all such books, records and papers shall be kept by such probate judge at the court house in Bangor, or within one mile thereof. That such probate judge shall at all times keep a clerk, in his absence, in charge of said books, records and papers, and who shall have power and authority in the name of such probate judge to perform all ministerial acts in connection with said office and the business thereof, arising and cognizable in said western division, and for whose acts the probate judge shall be liable on his official bond.

Bond of clerk.

SEC. 3. Be it further enacted, That all such books, records and papers, shall be kept open to inspection of all persons, as now provided for by law in such cases in this State; that the probate judge may require the clerk to execute bond in the sum of two thousand dollars, before entering on the duties of such office, which bond shall be payable to the judge, and conditioned to faithfully discharge the duties of such clerk during the time he is in office, or discharge any of the duties of clerk, which bond shall be approved by the probate judge, and retained by him.

Terms of court.

SEC. 4. Be it further enacted, That the probate judge shall be required to hold regular terms of the probate court at Bangor for the western division of said county, on the fourth Mondays in each month, and continue at each term until the business is disposed of; that he may change the time of such terms by giving three weeks notice of such change in some new spaper published in Blount county.

True meaning of the act.

SEC. 5. Be it further enacted, That it is the true intent and meaning of this act, that the records in said probate court, shall be furnished for the western division of said county in the same manner that similar books are furnished and kept in the judge of probate's office at Oneonta, for the eastern division of said coun-

ty, and that regular terms of said probate court shall be held at Bangor as hereinbefore provided.

Approved Feb. 14, 1893.

No. 256.] AN ACT [s. 295.

To confer jurisdiction upon the probate court of Baldwin county, to authorize Louisa A. Carney, as the administratrix of the estate of James A. Carney, deceased, to lease or sell and convey, the mills, turpentine stills, and timbered lands, and to sell and dispose of the logs, lumber, and resinous products belonging to the said estate, or to operate said mills, and work said lands for turpentine purposes, and to cut timber therefrom for the benefit of the said estate.

SECTION. 1. Be it enacted by the General Assembly of Alabama, That jurisdiction and authority be, and the same are hereby conferred upon the probate court of Baldwin county, to authorize the said Louisa A. Carney, as the administratrix of the estate of said James A. Carney, deceased, to sell and convey, or to lease, for any time or times, not to exceed the period of the administration of said estate, the turpentine stills and lumber mills, or timbered lands, or both, or any part or parts thereof belonging to said estate of said James A. Carney, deceased, and said lease or leases, or any one or more of them, may confer upon the lessee or lessees therein, the right to operate the turpentine stills and mills, and to box and work for turpentine purposes the timber on the timbered lands included in such lease or leases, and to cut from said lands, timber for the manufacture of lumber, or to do any one or more of said acts, as may be adjudged by said court; all transactions so authorized under this act, may be made by probate or public sale, or contract as said court may determine to be to the best interest of said estate, and such sales or leases may be for cash, or upon a credit, and upon such terms and conditions

Lease or sell.

as such court may determine, and adjudge to be to the best interests of such estate.

SEC. 2. Be it further enacted, That further jurisdiction be, and the same is hereby conferred upon the probate court of Baldwin county, to authorize the said Louisa A. Carney, administratrix as aforesaid, to operate during the period of her administration of said estate, or during any shorter period of time, the turpentine stills and lumber mills, belonging to said estate, or any part thereof, and to box and work for turpentine purposes, and to cut timber from the timber lands of said estate, or any part thereof for the purpose of manufacture and sale, and to sell and dispose of the turpentine and resinous products, either in the manufactured or crude state, and logs, timber and lumber belonging to the estate of said James A. Carney, deceased ; or that may be produced, cut or manufactured by said administratrix, in such manner and upon such terms as the said court may determine, and adjudge to be for the best interests of said estate, and at such prices as the said administratrix may think to the best interests of said estates to make such sales.

May operate tupentine stills.

SEC. 3. Be it further enacted, That the jurisdiction hereby conferred upon the probate court of Baldwin county shall vest only upon the filing of a petition of the said Louisa A. Carney, duly verified, by oath, setting forth the name, residence and age of each of the heirs of the said James A. Carney, deceased, and the name of each creditor whose name has been presented to her personally, and which remains at said time unpaid with his her or their respective residences, if known, and alleging that the interest of said estate will be best subserved by making such sale or sales, lease or leases, or by the conduct of such operations as said administratrix may seek to carry on or by making or doing two or more of said things as to several portions of said lands, and upon the tiling of such petition the judge of said probate court of Baldwin county shall appoint a day not less than ten nor more than twenty days from the filing of said petition when said petition shall be heard, and shall appoint a guardian ad litem, to represent each of the minor heirs of said James A. Carney, deceased, and shall cause notice of the filing

When jurisdiction vests.

of said petition and of the day set for said hearing to be given, by two publications in a newspaper published in the county of Baldwin, or in the county of Mobile, as he may think to the best interest of said estate, and by mailing a copy of said paper, with such notice conspicuously marked, to each creditor whose address is shown either by the said petition of the said Louisa A. Carney, administratrix, as aforesaid, or by any claim of such creditor as may be filed in said court, and at the hearing of said petition any heir of creditor of said estate, may appear and upon furnishing to said court satisfactory proof of his interest, may contest such petition; upon the hearing of said petition, together with any contest thereof that may be presented, said probate court shall hear and consider such evidence as may be produced by the parties in interest, and if upon said hearing he shall be satisfied that the best interests of said estate requires the sale or lease of such turpentine stills, mills and lands, or any part or parts thereof, or the operation of such turpentine stills, and lumber mills, and the working of said timber lands, and the cutting of lumber therefrom, by the said Louisa A. Carney, administratrix, as aforesaid, or the doing of any one or more of said acts, as to the whole, or any part or parts of said mills, stills and lands or the sale of such turpentine and resinous products, crude or manufactured, and logs and lumber and timber, or the granting of any other authority which he is hereby authorized to grant, to such administratrix, he shall by decree authorize such administratrix to sell and convey, or lease such turpentine stills, lumber mills and timbered lands, or any part or parts thereof, in such manner and for such period, or periods, not to exceed the time that said estate may be pending in said court for administration, and upon such terms, restrictions and conditions as the said court may decree, and may authorize the said administratrix to operate turpentine stills and lumber mills, or any part or parts thereof, and to work for turpentine purposes, and to cut timber from the lands, or any part or parts thereof, and to sell the turpentine, and resinous products, crude or manufactured, and the logs and lumber belonging to said estate, in such manner and upon such terms, restrictions and conditions as may be decreed.

Contests.

Decree of court.

SEC. 4. Be it further enacted, That all sales or leases of any or all of the said turpentine stills, lumber mills or

lands, made under the decree of the said probate court of Baldwin county, made under this act, the said administratrix shall within ten days after such sale or lease has been made report the same and the terms upon which such sale or lease was made, to the said probate court, which report shall remain on file for five days, during which time any creditor or heirs of the said James A. Carney, deceased, or any of the duly appointed and qualified guardians ad litem may Interpose such objections to the confirmation of the sale or sales or lease or leases reported as they may think proper, and upon the Monday following the expiration of said five days, the report shall, together with such objections, be taken up for confirmation and, if upon the hearing of said report and exceptions, if any there be, the said sales or leases, or both, shall appear to have been made in fairness and without fraud, and at fair prices, then the same shall be confirmed, or otherwise the same shall be set aside by the orders of said court. Said sales or leases shall be binding upon said estate only from the confirmation thereof, but the provisions of this section shall not apply to the sale of any turpentine, resinous products or logs or lumber which may have been sold under the decree of the probate court as authorized by this act.

Reports of sale.

SEC. 5. Be it further enacted, That should the said Louisa A. Carney operate any of the said turpentine stills or lumber mills or carry on any business authorized by this act, she shall report to the said probate court of Baldwin county every four months the result of these operations, and the status of the said business, which said report shall be verified by oath, and the said judge of the probate court of Baldwin county shall have power and may be called upon by any creditor of said estate, or any heir of said James A. Carney, deceased, or their guardian to discontinue any authority which may have been conferred upon the said Louisa A. Carney, under the terms of this act at any time, when the best interest of said estate may require such discontinuance. But the discontinuance of such authority shall not affect the obligations of any contract which said administratrix may have made under the powers theretofore conferred upon her by this act.

Reports of administratrix.

Approved February 14, 1893.

No. 257.] AN ACT [H. B. 515.

To confirm the organization and incorporation of the Elliott Car company, and to confer additional powers on the corporation.

Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organization of the Elliott Car company, heretofore effected by and under proceedings had under the general laws of the State of Alabama, for the object and purposes and with the rights and powers set forth in said proceedings, be and the same is hereby in all things ratified and confirmed. Incorporation confirmed.

SEC. 2. Be it further enacted, That the capital stock of said incorporation shall be such sum as the corporation herein above named shall fix and establish not less than one hundred thousand dollars; but the corporation shall have the right to increase its capital stock from time to time as the majority in value of the stockholders thereof in convention assembled shall determine, not to exceed the sum of twenty five million dollars. Capital stock.

SEC. 3. Be it further enacted, That the said company by and with the consent of the persons holding the larger amount in value of its stock first obtained at a meeting of the stockholders of said corporation convened for the purpose of voting upon the proposition to be held after ten days notice is given by publication in some newspaper to be designated by the board of directors, the said corporation shall have the right from time to time to increase its capital stock and to take and receive additional subscription to its capital stock from time to time, and in doing so may, as it may seem proper and advantageous, receive additional subscriptions payable in whole or in part in real or personal property, or in stock, bonds, rights or franchises of other corporations, and may take and receive such subscriptions in the manner from either individuals or corporations engaged in the business of running or producing or manufacturing iron or steel or coal, or any of their products, and may take and receive proper conveyance for such lands, mineral rights and personal property in payment of such subscription for stock. Increase of capital stock.

SEC. 4. Be it further enacted, That the stock of said corporation shall be divided into shares of one hun-

dred dollars, and in all meetings or conventions of the stockholders, each stockholder shall be entitled to cast in person, or by duly appointed proxy, one vote for each share of stock owned by such voting stockholder. Executors and administrators shall have the power to represent the stock of the estate of his, her or their testator or intestate, and guardians to represent the stock of the person or persons for whom such guardian or guardians may be empowered to act.

Stockholders meeting.

SEC. 5. Be it further enacted, That there shall be annual meetings or conventions of the stockholders of the said the Elliott Car Co., at the principal office of the company in Gadsden, Alabama, or at some other place equally convenient to the stockholders, to be fixed by the board of directors, for the election of president and directors, and for the transaction of such other business relating to the interestof the company, as such convention when assembled shall deem necessary or proper, of which convention notice shall be given to the stockholders as said company by by-laws or otherwise may prescribe, or as may be directed by the board of directors, on omission or failure of the company to prescribe;

Annual meetings of stock-

Provided, that omission or failure to hold any, such convention within the time prescribed shall not have the effect to cause a dissolution or discontinuance of such company. It shall require a representation of a majority in value of the stock held or owned in the said the Elliott Car Co. by stockholders in person or by their duly constituted proxies or agents, to form a convention competent to transact business binding on the company or its stockholders. The president and directors shall be elected for a term of one year, but may continue in office thereafter until their successors are elected and qualified. Vacancies in the office of president or directors may be filled until the subsequent election by the board of directors, a majority of which will constitute a quorum for the transaction of business. The Elliott Car Co., acting by its stockholders in convention, shall have the power to enact all such rules and by-laws as may be deemed needful and proper for the management and carrying out of its business, may elect or appoint, all such officers, other than president and directors, as may be deemed necessary or proper, and fix the tenure and qualifications of each, and prescribe rules for the transfer of stock by the respective stockholders.

SEC. 6. Be it further enacted, That the officers of said the Elliott Car Co. shall be a president and a secretary arid treasurer, and not less than three nor more than nine directors, and such other officers as the board of directors may deem necessary. The president of said the Elliott Car Co., shall be elected by the board of directors from their own members, and the board of directors shall also select their own officers and fix the compensation or salary of the president and officers. A president so chosen shall continue in office until the election and qualification of his successor, and the board of directors shall continue in office until the election and qualification of their successors by subsequent convention of stockholders, as provided for in Section 5. Officers.

SEC. 7. Be it further enacted, That the said the Elliott Car Co. shall have the right and power to manufacture any and all things made of metal or wood used in the construction, maintenance and operation of railroads, steamboats, steamships, gunboats and all other water crafts of any description, also to contract for, purchase and own personal and mixed property, and to lease and purchase and hold and own the real, personal or mixed property or stock or franchise of other corporations, and the said corporation may pay for the same in money, bonds or notes, or by issue of its own stock, on such terms and in such amount, upon such conditions as said corporation may deem best, and own such other lands and mineral rights and timber rights and other property as may be deemed needful and useful in carrying on its business permanently in the most efficient and advantageous manner. Rights and powers.

SEC. 8. Be it further enacted, That the said the Elliott Car Co., shall also have full power to do all acts necessary to maintain and operate a system of water works that may be constructed by them for the use of said the Elliott Car Co., and of the land and property of said company, and to extend and enlarge the same from time to time as it may be necessary, drawing its water from any source or water supply to any reservoir or pumping station, or otherwise using it as said company may prefer, and it shall be a misdemeanor, punishable by fine and imprisonment, for any person in any way to defile or pollute the waters in any such source, water supply, canal, aqueduct, or conduit used or to be used by said company, Water works.

or to obstruct or in any way damage the same, or divert the water therefrom without permission from the said the Elliott Car Co., or to carry off without permission, break or injure any pipe, cock, valve, machinery or other property that may be used in connection with said water supply ; or take water from any hydrant, cock or other fixture connected with said waterworks without permission from the said the Elliott Car Co., or for any person having charge of any hydrant, or water pipe, or dam, or canal, or lake connected with said waterworks, to allow or permit any other person to take, draw or use in any way, water from the same without permission from said the Elliott Car Co., or for any person by false key or otherwise, after the water shall have been shut off from any premises by said company by their agent, to cause the said premises to be again supplied with water from said water cocks without permission from said company.

Right of way.

SEC. 9. Be it further enacted, That the said the Elliott Car Co. shall have the right in accordance with the statutes of the State, authorizing lands to be condemned by writ of ad quod damnum, to condemn such property, rights of way or water sources, as may be necessary to enable said company or the corporation organized by it, or with its assistance, to successfully construct, erect and operate said water works and a system of sanitary sewerage or drainage.

May issue bonds.

SEC. 10. Be it further enacted, That the said the Elliott Car Co., by and with the consent of the persons holding the larger amount in value of stock thereof, given in person or proxy at any meeting of the stockholders duly and legally called by the board of directors of said company for the purpose, shall have the power and authority, which is hereby given it, to issue its bonds for such sums and in such amounts, and payable in such time or times, as the said stockholders may determine, which said bonds shall bear such rate of interest, not to exceed 8 per cent. per annum, as the said stockholders may deem best; and to secure the payment of said bonds and the interest thereon, the said company is hereby given power to execute a mortgage or deed of trust in its corporate name and under its company seal, upon all of the property of said company, including its franchise, or such parts thereof as aaid stockholders may , determine best; the said bonds and deed of trust to be signed by the president, counter-

signed by the secretary of said company and sealed with the seal of said company; and the said company is hereby authorized to sell and dispose of its said bonds for its purposes as the directors may think best, or to pay the same for any real or personal property, rights or franchises purchased by said company on such terms as the board of directors may deem best for the company.

SEC. 11. Be it further enacted, That the said the Elliott Car Co., shall have the right to pay off any and all debts, in money, bonds, notes or by issue of its own stock on such terms, and in such manner, and upon such conditions as said company may deem best, acting by and through its stockholders in convention assembled or by its board of directors, they having been duly authorized to act in the premises. May pay debts in bonds, etc.

SEC. 12. Be it further enacted, That this act shall take effect immediately on its approval.

Approved Feb. 15, 1893.

No. 258.] AN ACT [s. 472.

To establish the Hampton school district in Madison county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the following described territory, situated in the county of Madison, shall constitute a separate school district, to be known as the Hampton school district, to-wit: Commencing at the northwest corner, section 4, township 2, range 1, west, and running on township line due east to north east corner, section 3, township 2, range 1, east, thence south on section lines to the southeast corner section 10, township 3, range 1, east, and thence west on section lines to the southwest corner of section 9, township 3, range 1, west, and thence north on section lines to the place of beginning. Territory.

SEC. 2. Be it further enacted, That the said separate school district shall be under the supervision of three superintendents, to be appointed by the county super-

intendent of education of Madison county, as other township superintendents are appointed, with the same powers, duties and rights, as other township superintendents have and exercise.

Approved February 15, 1893.

No. 259.] AN ACT [s. 362.

To authorize the court of county commissioners of Perry county to issue bonds of the said county to an amount not exceeding ten thousand dollars, for the purpose of building an iron bridge over the Cahaba river.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Perry county is hereby authorized to issue bonds of the said county of Perry to an amount not exceeding ten thousand dollars, for the purpose of raising funds to enable said county to build an iron bridge over the Cahaba river in said county, at such point on said river as the said court may deem best for the convenience of the general public, the said bonds to be issued at such time, and made payable at such times and place as said commissioners court may decide upon, the time of maturity of said bonds to be fixed by said court of county commissioners and to be redeemable at the pleasure of said court at any time after the maturity thereof, with coupons attached bearing interest at not exceeding six per cent. per annum; said interest to be payable at the office of the treasurer of said county at such times as may be named in said bonds, and said bonds shall be exempt from county and municipal taxation.

Amount and Character of bonds.

SEC. 2. Be it further enacted, That said bonds may be issued in sums of not less than one hundred dollars, nor more than one thousand dollars. That said bonds shall be numbered according to the order in which they are issued, and the interest coupons attached to said bonds shall be numbered to correspond with the bonds.

Size of bonds.

SEC. 3. Be it further enacted, That the bonds and coupons issued by authority of this act, shall be signed by the probate judge and countersigned by the treasurer of said county, and the seal of said county affixed thereto, and the probate judge of said county is hereby required to keep a correct record of all bonds issued and sold under this act, and said bonds shall not be sold at less than par. Signing and record of bonds.

SEC. 4. Be it further enacted, That the said court of county commissioners of Perry county is hereby authorized and empowered to sell said bonds, to contract for the building of said bridge, and to do any and all other things necessary and proper to carry out the object and purpose of this act by said court, or by any ageat or agents duly authorized and appointed by said court, at any meeting of said court, either regular or special, and no technical informality, neglect or omission in the proceedings or records of said court shall in anywise vitiate or annul said bonds or coupons issued by authority of this act, or any rights of the purchaser or holders of said bonds, but said bonds and coupons shall have all the properties and protection of commercial paper, and shall be receivable for all dues to the county, and for all taxes levied for the use of the county after the maturity of said bonds and coupons, except such taxes as are set aside for special purposes. Sale of bonds.

SEC. 5. Be it further enacted, That said court of county commissioners may, if necessary, levy a special bridge tax each year sufficient to meet and pay off the interest and principal falling due each year upon any and all of the bonds issued under and by authority of this act. Bridge tax.

SEC. 6. Be it further enacted, That the money arising from the sale of the bonds issued by authority of this act, be paid directly into the hands of the treasurer of the county and paid out by him on warrants drawn by the probate judge of said county to the contractors, to the laborers who do the work, and to pay for all materials used in the construction of said bridge; Provided, that no warrant shall be drawn for labor, material How money paid.

or any other service under the provisions of this act, until the accounts thereof have been presented to and duly audited and allowed by said commissioners court.

SEC. 7. Be it further enacted, That the county treasurer shall keep separate the money paid into his hands arising from the sale of said bonds, and shall be unlawful for him, the commissioners court, the probate judge or any other person, to use any of said funds for any other purpose except that hereinbefore mentioned and specified, and there shall be no commissions allowed to the county treasurer for receiving and disbursing any of the funds arising from the sale of the bonds named in this act; and the treasurer of said county shall be responsible for all moneys paid into his hands under this act, as he is responsible for other moneys of the county.

Safe keeping of money

SEC. 8. Be it further enacted, That said court of county commissioners of Perry county are hereby authorized and empowered to erect an iron bridge over said Cahaba river, in said county of Perry, at any point on said river that said court may deem best for the construction of said bridge, and the convenience of the general public.

Erection of bridge.

Approved Feb. 15, 1893.

No. 260.] AN ACT [s. 245.

To authorize the Commissioners Court of Cherokee county to compromise with the sureties of Ellis Hale, deceased, late treasurer of said county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the commissioners court of Cherokee county, Alabama, be, and they are hereby authorized to settle with the sureties on the several bonds of Ellis Hale, late treasurer of said county, in such manner as may to them seem to the best interest of Cherokee county.

Approved Feb. 16, 1893.

No. 261.] AN ACT [s. 450.

To declare Clifford A. Smith, a liner between the counties of Marengo and Hale, a citizen of Hale county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Clifford A. Smith, a liner between the counties of Marengo and Hale, be, and he is, hereby declared to be a citizen of the county of Hale.

Approved Feb. 16, 1893.

No. 262.] AN ACT [s. 221.

To confirm the charter of the Electric Lighting Company of Mobile, to define and declare its powers, and to confirm the rights, franchises, heretofore granted to it by the city of Mobile, and to extend the time said company shall continue to exist as a corporation.

Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organization of the Electric Lighting Company of Mobile, heretofore effected and had under the general laws of Alabama as an electric lighting company, and all the acts of said company thereunder and done as an electric lighting company, be, and the same is, hereby in all respects ratified and confirmed. Organization confirmed.

SEC. 2. Be it further enacted, That said electric lighting company is hereby authorized and empowered to furnish electric power for all industrial, traction and other purposes, and to erect poles and string wires in the streets of the city of Mobile, for said purposes, subject, however, to the assent and regulation of the municipal authorities of said city. Authority.

SEC. 3. Be it further enacted, That the rights, privileges and franchises heretofore granted said corporation by the city of Mobile to erect poles and place wires thereon for the purpose of furnishing incandescent and arc light to the city of Mobile and the inhabitants thereof, and which said company is now engaged Former acts ratified.

in doing, and all acts of said company thereunder done and performed as an electric lighting company be, and the same are, hereby in all things ratified and confirmed.

SEC. 4. Be it further enacted, That the said Electric Lighting Company of Mobile shall continue to exist as a corporation, with all its rights,powers and privileges for the term of twenty (20) years from the passage of this act, and during such existence said company shall have all the rights, powers and privileges now conferred, or that may be hereafter conferred by the laws of the State upon electric lighting and electric power companies, incorporated under the general laws of the State.

Term of existence.

SEC. 5. Be it further enacted, That the rights conferred under this act are subject to any charter tax required by the present session of the general assembly.

Subject to tax.

Approved February 16, 1893.

No. 263.] AN ACT [s. 209.

To ratify and confirm the organization and incorporation of the Galeton Cotton Mills, to enlarge the powers of said corporation, and to confirm its acts.

Section 1. Be it enacted by the General Assembly of Alabama, That the charter of the Galeton Cotton Mills, a corporation heretofore created and organized under and by virtue of the general laws of this State, in the probate court of Chambers county, Alabama, be, and the same is, hereby ratified and confirmed.

Charter ratified.

SEC. 2. Be it further enacted, That said Galeton Cotton Mills may sue and be sued, plead and be impleaded, answer and be answered in all the courts of law and equity, in like manner as natural persons, and by that name shall be, and hereby is, empowered to purchase, own and enjoy all such real and personal property of whatever kind that said corporation may deem necessary to carry into effect and full force the purposes, business and objects of this corporation, and use, transfer or convey any such property at its

May own real estate.

pleasure, or to mortgage the same to secure any debt contracted or money borrowed for the legitimate purposes of the company, to have, use and keep a common seal.

SEC. 3. Be it further enacted, That the objects and purposes of said corporation shall be the manufacture of wool and cotton into thread, yarn, cloth, bats and such other products as may be made from cotton, the manufacture of meal, flour, lumber or such branches or parts thereof as they may see proper to engage in, and to sell, barter or exchange all such goods, wares and merchandise as may be manufactured by said corporation. Objects.

SEC. 4. Be it further enacted, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing the same as business of said corporation may demand, not to exceed five hundred thousand dollars. Said corporation shall have power to prescribe the number of shares into which the capital stock shall be divided, the mode in which it shall be taken, paid, transferred or assigned; to provide the mode by which stockholders may vote, and the number of votes to which each share shall be entitled, to provide for the election of such officers as may be deemed necessary for the government and management of the affairs of said corporation, to adopt and put into execution such rules and by-laws as may be necessary and expedient for the government of said corporation, which shall be uniform, equally securing the rights of each stockholder, not inconsistent with the constitution or laws of this State or of the United States, and in general to do and perform all acts and things which may be necessary for conducting the business of the corporation. Capital stock

SEC. 5. Be it further enacted, That a place of business of said corporation may be located in the city of West Point, in the State of Georgia, but it shall be the duty of said corporation at all times, and it is hereby required, to keep a home office and agent at its factory building in Chambers county, in this State, which shall be considered the home office of the corporation, and service of any legal process upon said agent, or the superintendent of said mills, or other Place of business.

managing agent of said corporation, shall be valid and binding on the corporation.

SEC. 6. Be it further enacted, That said corporation shall have the power to borrow money on bond or otherwise, and secure the same by mortgage on its property or other securities, and to sell its products and to loan out its surplus earnings on similar security or mortgage, in such manner and upon such terms as may be prescribed by the corporation.

May borrow money.

SEC. 7. Be it further enacted, That all acts of said corparation heretofore done, not inconsistent with powers herein contained, or the general laws pertaining to similar corporations, be, and the same are, hereby confirmed.

Former acts confirmed.

SEC. 8. Be it further enacted, That no stockholder of this corporation shall be individually liable for any debt of said corporation, beyond, or otherwise, than For the unpaid stock subscribed or owned by him or her.

Liability.

Approved Feb. 16, 1893.

No. 264.] AN ACT [s. 461.

To incorporate the Clintonville Academy, in Coffee county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That W. M. Armor, J. A. Marsh, H. E. Brock, C. D. Sawyers and C. W. Caylor and their associates and successors in office, be, and are hereby constituted and declared a body corporate by the name and style of the Trustees of the Clintonville Male and Female Academy, and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in all kinds of action, both in law and equity, may receive donations, purchase property both personal and real or mixed, the same to hold, use and dispose of at pleasure, and to have and use a common seal.

Corporators.

They shall further be empowered to make such rules, regulations and by-laws for the government of said academy as may be necessary not inconsistent with the constitution and laws of the State.

Powers.

SEC. 2. Be it further enacted, That so long as the property of said corporation shall be used for educational purposes, the same shall be exempt from taxation of any kind; Provided, that said property shall not exceed in value the sum of twenty thousand dollars. Property not taxable.

SEC. 3. Be it further enacted, That said board of trustees shall have power to elect a president, treasurer and secretary, and prescribe their duties, and they may organize such faculty to superintend said academy as they may deem proper; and may fix such rates of tuition, not inconsistent with law; adopt such regulations, and provide such forms for the granting of certificates of proficiency, diplomas or other evidences of scholarship as they may think just and proper. Board of trustees.

SEC. 4. Be it further enacted, That the number of said trustees shall be five, and shall hold office for two years, or until their successors are elected and accept; which said election, shall be made by themselves, before the expiration of their terms of office, and majority of said board shall constitute a quorum, for the transaction of business, with full power to supply vacancies, and to remove any member of said board for misconduct. Number of trustees.

SEC. 5. Be it further enacted, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved Feb. 16, 1893.

No. 266.] AN ACT [s. 210.

To ratify and confirm the organization and incorporation of the Lanett Cotton Mills, to enlarge the powers of said corporation, and to confirm its acts.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the charter of the Lanett Cotton Mills, a corporation heretofore created and organized under and by virtue of the general laws of this State, in the probate court of Chambers county, Alabama, be, and the same is, hereby ratified and confirmed.

SEC. 2. Be it further enacted, That said Lanett Cotton Mills may sue and be sued, plead and be impleaded, answer and be answered, in all the courts of law and equity in like manner as natural persons, and by that name, shall be and is hereby empowered to purchase, own and enjoy all such real and personal property, of whatever kind that said corporation may deem necessary to carry into effect and full force the purposes, business and objects of this corporation, and to use, transfer or convey- any such property at its pleasure, or to mortgage the same to secure any debt contracted, or money borrowed for the legitimate purposes of the company, to have, use and keep a common seal.

General rights.

SEC. 3. Be it further enacted, That the objects and purposes of said corporation shall be the manufacture of wool and cotton into thread, yarn, cloth, bats and such other products as may be made from cotton, the manufacture of meal, flour, lumber, or such branches or parts thereof, as they may see proper to engage in; and to sell, barter or exchange all such goods, wares, and merchandise as may be manufactured by said corporation.

Objects of corporation.

SEC. 4. Be it further enacted, That the capital stock of said corporation shall be five hundred thousand dollars with the privilege of increasing the same as the business of said corporation may demand, not to exceed two million dollars. Said corporation shall have power to prescribe the number of shares into which the capital stock may be divided; the mode in which it shall be taken, paid, transferred or assigned; to provide the mode by which stockholders may vote, and the number of votes to which each share shall be entitled;to provide for the election of such officers as may be deemed necessary for the government and management of the affairs of said corporation; to adopt and put into execution such rules and by-laws as may be necessary and expedient for the government of said corporation, which shall be uniform, equally securing the rights of each stockholder, not inconsistent with the constitution and laws of this State, or of the United

Capital stock.

Powers.

States; and in general to do and perform all acts, and things which may be necessary for conducting the business of the company.

SEC. 5. Be it further enacted, That a place of business of said corporation may be located in the city of West Point, in the State of Georgia, but it shall be the duty of said corporation, at all times, and is hereby required to keep a home office, and agent at its factory building in Chambers county, in this State, which shall be considered the home office of the corporation, and service of any legal process upon said agent, or superintendent of said mills, or other managing agent of said corporation, shall be valid and binding on the company. Places of business.

SEC. 6. Be it further enacted, That said corporation shall have the power to borrow money on bond or otherwise, and secure the same by mortgage on its property, or other securities; and to sell its products, and loan out its surplus earnings on similar security or mortgage, in such manner, and upon such terms as may be prescribed by the corporation. May borrow money.

SEC. 7. Be it further enacted, That all acts of said corporation heretofore done, not inconsistent with the powers herein contained, or of the general law pertaining to similar corporations, be, and the same are hereby confirmed.

SEC. 8. Be it further enacted That no stockholders of this corporation shall be individually liable for any debt of said corporation, beyond or otherwise, than for the unpaid stock subscribed, or owned by him or her. Liability.

Approved Feb. 16,1893.

No. 266.] AN ACT [H. B. 348.

To amend an act to create the office of inspector of mines and to prescribe the duties of such office, approved February 18, 1891.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the office of inspector of mines is here-

by created. The said inspector shall be appointed by the
Appointment. governor within ninety days, and he shall hold office for two years or until his successor is appointed and qualified. Before assuming the duties of said office the inspector shall take and prescribe an oath to perform to the best of his ability, and without fear or favor, the duties of said office, and shall give a bond of one thousand dollars, to be approved by the governor, to cover any default in said office.

SEC. 2. Be it further enacted, That the said inspector shall give his entire time to the discharge of the
Visiting mines. duties of his office, and that it shall be the duty of said inspector to visit officially every underground coal, iron and other mine in the State, where twenty or more miners are employed, at least once in every four months and examine in person and in detail the methods and manner of working said mines, and if, in his opinion, any changes are required he shall notify in writing the operator, owner or general manager of said mine, what changes are required to be made of the manner of working and ventilating said mines, the machinery and fixtures used in working said mines. That if said owner, agent or operator shall deem such changes unnecessary or improper, he may appeal to the board of examiners, who may hear the evidence from the inspector and from the owner, agent or operator, as to whether such changes are neceseary and proper to be made. That the decision rendered by the board shall be final, except that the owner, agent or operator may sue out an appeal against said inspector and board of examiners and try the question in the circuit court.

SEC. 3. Be it further enacted, That whenever required by the State inspector of mines, of any mine op-
Opening in mines. erator, owner or general manager, two openings shall be made, one to be used for an escape way in any mine operated or owned by them. Reasonable time, however, shall be given to said operator, owner or general manager, to prepare the second opening, in no case exceeding two years from the time such order or requisition is made.

SEC. 4. Be it further enacted, That the owner, agent or operator of all underground mines in this State, shall make, or cause to be made by a competent engineer, an accurate and exact map of such mine, showing the exact position of such mine in reference to the section

lines which shall be connected with some known boundary corner of the section, quarter section or forty-acre tract. That said map shall show accurately the position of any branches, creeks or rivers under which said mine may extend, also as near as possible the position of any old or abandoned mine near by. That said map shall be sworn to by the engineer making it. That the new work inside of mines must be added to said map or new map filed at least once in every twelve months. That said map shall be filed in the office of inspector of mines, who shall provide a suitable and safe place for keeping it. That the inspector of mines, with the approval of the board of examiners, may refuse to receive maps made by persons claiming to be mining engineers, who are not known to be such, and of good standing and character in their profession. That the mine boss in charge of such mine shall also certify to the correctness of said map. The said map shall be made on a uniform scale of not less than 200 feet to the inch. Any person may secure a copy of any map on file in the inspector's office by paying the reasonable charges for making such map, and said copy, when certified by the inspector, shall be evidence in any court in this State.

Maps of mines

SEC. 5. Be it further enacted, That the inspector of mines shall give directions to the mine operators, owners and general managers as to the method and manner of working gaseous mines and the manner of working and propping the roof in any and all mines, and shall examine the machinery and appliances used in working the same, and give directions as to the examination of the same. All such directions shall be given in writing, subject, however, to the approval of the board of examiners as herein provided.

Working mines.

SEC. 6. Be it further enacted, That the salary of the inspector of mines shall be fifteen hundred dollars per annum, to be paid as other State officials are, with an allowance not exceeding $400 per annum for necessary traveling and office expenses, to be paid out of the treasury. The said inspector shall keep his office in the city of Birmingham, Jefferson county.

Salary.

SEC. 7. Be it further enacted, That the doors used in a system of ventilating or regulating the ventilation of mines, shall be so hung and adjusted that they will close

Ventilation.

themselves, or by supplying them with springs and pulleys so that they cannot be left standing open.

SEC. 8. Be it further enacted, That the owners, agents and operators of any coal mine shall keep a sufficient supply of props and other timber used in the mines, so that the workmen may, at any time, be able to prop their working places, and the owner, agent or operator shall afford the miners working in their mines proper facilities for the delivery of props and other timber needed by them in their respective working places.

Props, etc.

SEC. 9. Be it further enacted, That approved safety catches shall be attached to the cage used for the purpose of hoisting and lowering persons into and out of the mines, and that the owner, agent or operator of every mine operated by shafts or slope shall provide sufficient cover on all cages used for lowering and hoisting persons into and out of the mines. An adequate brake shall be attached to every drum or machine for lowering and hoisting persons into and out of the mines, and also proper indicators, which shall show to the person who works the machine the position of the cage or load in the shaft on the roadway.

Hoisting cages

SEC. 10. Be it further enacted, That when a place is likely to contain a dangerous accumulation of gases or water, works when approaching such places shall not exceed eight feet in width, and there shall be constantly kept at sufficient distance ahead, not less than three yards in advance, one bore hole near the center of the workings and sufficient flank bore holes on each side.

Gas or water in mines.

SEC. 11. Be it further enacted, That the owner, agent or operas of any coal mine shall place in charge of any engine used for conveying into and hoisting out of such mine, none but an experienced, competent and sober engineer. No engineer in charge of such engine or machinery shall allow any person—except such as may be deputed for that purpose by the owner, agent or operator—to interfere with it, and no person shall interfere with, or in any way intimidate the engineer, in the discharge of his duty.

Engineers.

SEC. 12. Be it further enacted, That the mine inspector, miners employed in the mines and owners of

lands, or persons interested in the rental and royalty of such mines, shall at all proper times have full right and access to all scales used at said mines, including bank book in which the weight of coal is kept, to examine the amount of coal mined for the purpose of testing the accuracy thereof. Scales.

SEC. 13. Be it further enacted, That when gas is known to exist, the owner, agent or operator of any coal mine shall employ a competent fire boss, whose duties it shall be to examine every place in the mine before the men are permitted to enter for work; said fire boss shall be at some convenient place each day to inform every man as to the state or condition of his working place before entering. Said works shall be carefully examined every morning with a safety lamp by the fire boss before the workmen are allowed to enter therein. Examination of gas in mines

SEC. 14. Be it further enacted, That no woman shall be employed to labor or work about any mine in this State, nor any boy under the age of 10 years.

SEC. 15. Be it further enacted, That the said inspector of mines shall, together with two mining engineers and one practical miner, to be appointed by the governor for two years, constitute a board of examiners to examine and give certificates of fitness or service to mine bosses, and after the passage of this act no person other than those having certificates of fitness or service as mine bosses, be employed as mine boss in any coal mine in this State. For such persons examined or receiving a certificate of service the board shall exact a fee of three dollars, to be paid before the examination is begun, the said amount to be received by the inspector of mines, who shall be ex-officio chairman of said board of examiners, without^ extra pay. The said board of examiners shall be paid by the inspector four dollars per day out of the examination fund, and the remainder shall be turned over to his successor in office. Persons acting as mine bosses previous to the 18th day of February, 1891, shall be entitled to certificates of service. Said board shall meet once in every three months at the office of the Certificates.

inspector in Birmingham, and shall not hold exceeding three days at each meeting.

SEC. 16. Be it further enacted, That the inspector of mines, on account of gases or other causes, may classify a mine as dangerous. That when said classification is approved by the board of examiners that the mine boss having charge of such mine must possess a first-class certificate; that the fee for examination and issuing a first-class certificate shall be five dollars; that no boy under the age of fifteen years shall be allowed to work in any mine classified by the inspector as dangerous.

Classifying mines.

SEC. 17. Be it further enacted, That the governor may discharge the mine inspector at any time upon the filing of a written complaint, substantiated by sufficient proof, for unfairness, unfitness, incompetency or malfeasance, and appoint his successor for the unexpired term.

Discharge of inspector.

SEC. 18. Be it further enacted, That the provisions of this act shall apply to all underground mines in this State except those employing less than twenty men.

SEC. 19. Be it further enacted, That it shall be the duty of every owner, agent or operator of any mine in this State to promptly notify the inspector of any fatal accident in such mine; that it shall be the duty of the inspector of mines at the request of said owner, agent or operator, or of any three miners employed in said mines, to examine into the causes and ascertain the facts in regard to such accident; that he shall have the power to summon and swear witnesses so as to ascertain the facts of such accident, and that he shall keep in his office a book with the record of each such accident in said state.

Notice of accidents.

SEC. 20. Be it further enacted, That the owner, agent or operator of all underground mines, lime quarries, brown ore mines, fire clay mines in this State shall on the first day of each year furnish to the inspector of mines a statement of the actual product of said mines for the preceding year.

Product of mines.

SEC. 21. Be it further enacted, That all sections for which fines are not provided by this act, or neglect

or refusal to perform the duties required to be performed by any section of this act, by the parties, or the violations of any other provisions required thereof, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars, at the discretion of the court. Misdem'anors.

SEC. 22. Be it further enacted, That the mine inspector shall not, during his term of office, be actually interested as owner, operator or manager of any mine in the State of Alabama.

SEC. 23. Be it further enacted, That the inspector of mines shall, biennially, prior to the assembling of the general assembly, make a written report to the governor, stating the condition of the mining interests in this State, with such suggestions and information as may be of interest to the mining industry. Reports of inspector.

SEC. 24. Be it further enacted, That the owner, agent or operator of every coal mine, whether worked by shaft, slope or drift, shall provide and hereafter maintain for every such mine sufficient ventilation for each and every person employed in such mine, which shall be circulated around the main headings, cross headings and working places to an extent that will dilute, render harmless and carry off noxious and dangerous gases generated therein. Ventilation.

SEC. 25. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved Feb. 16, 1893.

No. 267.] AN ACT [H. B. 227

To amend an act entitled an act to amend subdivision thirty-one (31) of Section 629 of the Code of Alabama, approved December 10, 1890.

Section 1. Be it enacted by the General Assembly of Alabama, That subdivision 31 of Section 629 of the

Code shall be, and the same is, hereby amended so as to read as follows, viz.: 31. For peddlers in a wagon drawn by one horse or other beast, forty dollars; in a wagon drawn by two horses or other beasts, fifty five dollars; on a horse or other beast, twenty-five dollars; on foot, fifteen dollars; when accompanied by singers or other performers on musical instruments, one hundred dollars; but for peddlers of tinware only, and peddlers of wooden and stone or clay hollowware only, and tanners who manufacture leather goods and peddle these only, shall not be required to procure license. A peddler's license shall entitle him to peddle only in the county where it is taken out. Any person may demand of peddlers, itinerant dealers and traveling agents, their license, and unless they exhibit the same, or show that they have a right under the law to peddle articles carried by them, or to carry on the business they are engaged in without a license, such person may, and is hereby authorized to arrest such peddler, itinerant dealer or traveling agent, and carry him before the nearest county court judge, justice of the peace, mayor, recorder, intendant of any town, or notary public exercising the powers of a justice of the peace, and such of said officers as such peddler, itinerant dealer or traveling agent is carried before, must, if he finds such person to be dealing without a license, forthwith issue a warrant for his arrest, returnable to any court of their county having criminal jurisdiction, which warrant may be executed by the sheriff or by any corstable of the county, any city or town marshal, policeman, or any officer having authority to make arrests. It shall, however, be lawful for any person having but one arm or leg, or whose sight has been impaired as a result of exposure, injury or disease during his service in the Confederate army, or any other disabled Confederate soldier, who is permanently disabled by wounds, or any person who has lost his eyesight in any way so that he is incompetent to perform manual labor (if he shall secure the certificate of a physician and the certificate of the probate judge of such said facts), to peddle in any county of the State free of license, nor shall this act be so construed as to require a license on peddlers of fish, oysters, game, fresh meats, poultry, fruit and all farm products raised

by the seller, nor any dealer in books or other literature.

Approved Feb. 16, 1893.

No. 268.] AN ACT [H. B. 533

To levy taxes for the use of the State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That there is hereby levied a tax of five mills on all property liable to taxation in this State for the calendar year commencing January 1, 1893, and also for the calendar year commencing January 1, 1894.

SEC. 2. Be it further enacted, That if, at any time after the assessment of taxes in either of said calendar years, it shall appear to the governor that the rate of taxation hereby fixed will produce more revenue than is required to meet the obligations of the State, he may, by proclamation, suspend the collection of any portion of the taxes, and the tax collectors shall not collect such portion of the taxes as is suspended by such proclamation.

Approved February 16, 1893.

No. 269.] AN ACT [H. B. 795.

To establish the Hayne School District in Lowndes county.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act there shall be established in Lowndes county the Hayne School District, to be composed of township fourteen (14) and township fifteen (15), in range fourteen (14), in said county. Territory embraced.

SEC. 2. Be it further enacted, That the county superintendent shall appoint five (5) trustees in and for said school district, who shall be resident citizens and qualified voters thereof, and who shall hold their office from the first day of July next for a term of two Trustees.

years, and until their successors are duly appointed by said superintendent. And these said trustees shall have all the authority and exercise all the powers of township trustees as now, or which may be hereafter, provided by law.

Approved Feb. 16, 1893.

No. 270.] AN ACT [H.B. 964.

To authorize the board of trustees of Dexter Avenue Methodist Episcopal Church South, of Montgomery, Alabama, to issue non-taxable bonds, and to secure the same by mortgage.

Section 1. Be it enacted by the General Assembly of Alabama, That the board of trustees of Dexter Avenue Methodist Episcopal Church South be, and is, hereby authorized to issue bonds to the amount of not to exceed twenty thousand dollars, which bonds are to run not to exceed twenty years from the date of issue, and to bear interest, payable semi-annually, at a rate not to exceed six per centum per annum, and to secure the same by mortgage on the property of said church.

Amount.

SEC. 2. Be it further enacted, That said bonds and mortgage shall be signed by the chairman and secretary of said board of trustees.

SEC. 3. Be it further enacted, That the bonds issued under the provisions of this act shall be non-taxable.

Approved February 16, 1893.

No. 271.] AN ACT [H. B. 1052.

To require sleeping car companies doing business in this State to pay a privilege tax to the State.

Section 1. Be it enacted by the General Assembly of Alabama, That each sleeping car company doing business between points wholly within this State shall pay in advance, on the first day of January of each year,

to the auditor, a privilege tax of five hundred dollars, together with one dollar for each mile of railroad run by the cars of such company within this State; and no sleeping car company which has paid the privilege tax hereby required, shall be liable to pay any other privilege tax in the State, but its real estate, fixtures and other local property shall be subject to taxation as other property in the State. The payment of said privilege tax to the auditor shall be accompanied by a sworn report, showing the number of miles of railroad run by the cars of such company within the State of Alabama; and in default of the payment of said tax and the making of said report for sixty days after the first day of January of each year, including the year 1893, a penalty of double the amount of said tax shall be imposed upon and collected of such defaulting company. Provided, That such privilege tax shall in no case exceed the sum of one thousand dollars, and when said tax amounts to that sum, no report of mileage shall be required.

Approved February 16, 1893.

No. 272.] AN ACT [H. B. 743

To establish a new charter for the city of Bessemer.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the city of Bessemer, in the county of Jefferson, shall be and continue a body politic and corporate by the name of the "City of Bessemer," and by this name may sue and be sued, contract and be contracted with, receive and grant, and do all other acts as natural persons in respect to the powers herein granted, and may purchase, receive, hold, let, sell, alien, grant or assure real, personal or mixed property, and dispose of the same for the Use and benefit of the city; and may have and use a city seal, which may be broken or altered at pleasure. Corporate name.

SEC. 2. Be it further enacted, (1) That the corporate limits of the said city of Bessemer shall embrace, and its jurisdiction extend to and cover all of the territory in the following limits, to-wit:

Corporate limits.

Beginning; at a point on the Alabama Great Southern Railroad, at the intersection of Twelfth street, and running thence along Twelfth street to Tenth avenue, thence along Tenth avenue to Thirty-second street, thence along Thirty-second street to a continuation of the line of Fairfax avenue, thence along Fairfax avenue to the intersection of the south line, section ten (10), township nineteen (19) south, range four (4) west, thence along the section line to the intersection of a continuation of Twelfth street, thence to the point of beginning; and that the corporate authorities of said city of Bessemer shall have as full and ample police jurisdiction in every respect over the territory extending and lying within three miles in every direction from the corporate limits as is herein given to them over and concerning the territory so embraced within the said corporate limits, and shall have authority to punish all offenses committed within said territory, as if the same are committed within the corporate limits of said city; (2) that said city is divided into four (4) wards, as follows:

Wards.

The First ward shall include all that part of the city which lies within the following boundaries, viz.: Commencing at the intersection of the south line of section ten (10) and Fairfax avenue, and running thence along Twelfth street to Alabama avenue, thence along Alabama avenue to Twenty-first street, thence along Twenty-first street to Fairfax avenue, thence along a continuation of the line of Fairfax avenue to the point of beginning. The Second ward shall include all that part of the city which lies within the following boundaries, viz.: Commencing at the intersection of Alabama avenue and Twelfth street, and running thence along Twelfth street to Tenth avenue, thence along Tenth avenue to Twenty-first street, thence along Twenty-first street to Alabama avenue, and thence along Alabama avenue to the point of beginning. The Third ward shall include all that part of the city which lies within the following boundaries, viz.: Commencing at the intersection of Twenty-first street, and the Alabama Great Southern Railroad, and running thence along the track of said railroad to Thirty-second street, thence along Thirty-second street to a continuation of Fairfax avenue, thence along a continuation

of the line of Fairfax avenue to Twenty-first street, thence along Twenty-first street to the point of beginning. The Fourth ward shall include all that part of the city which lies within the following boundaries, viz.: Commencing at the intersection of the Alabama Great Southern Railroad and Twenty first street, and running thence along Twenty-first street to Tenth avenue, thence along Tenth avenue to Thirty second street, thence along Thirty second street to the Alabama Great Southern Railroad, and thence along the track of the said railroad to the point of beginning; and the boundaries of the wards aforesaid may be regulated or changed at the pleasure of the corporate authorities, but the number of the wards shall not be increased.

SEC. 3. Be it further enacted, (1) That the government of said city shall consist of, and its corporate powers be exercised by, a mayor and eight (8) aldermen, who shall be elected, as hereinafter provided, on the second Monday in September, 1893, by ballot of the electors of the said city having the qualifications hereinafter prescribed, who shall hold office for the term of two (2) years; and their successors shall be elected biennially thereafter; (2) that should the election not take place on the day fixed for the biennial election of the mayor and the aldermen, the municipal corporation shall not for that cause be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified, and it shall be the duty of the city council to fix some day as early as convenient within one (1) month thereafter, on which day the election shall be held, and should the city council fail or neglect to provide for the election as herein described, the members thereof shall be guilty of a misdemeanor; (3) that should a vacancy occur in the city council by the death, resignation or removal from the city, or from any other cause except on a contest of election, as now provided by law, the remaining members thereof shall fill the vacancy at the next regular meeting after such vacancy occurs; (4) and that no person shall hold the aforesaid office of mayor or of alderman of said city who has not resided therein for one (1) year next preceding the election, and the aldermen must be residents of the wards and qualified voters therein, for which they are respectively elected, at the time of their election.

Government.

SEC. 4. Be it further enacted, That said election shall be conducted according to the laws governing elections for officers under the laws of this State, except as declared in this act.

Qualifications of electors.

SEC. 5. Be it further enacted, That no person shall be entitled to vote at the city election in said city unless he possessesses the qualifications mentioned in the seventh (7th) article of the constitution of this State, and shall have resided in said city for three (3) months, and in the ward in which he proposes to vote thirty (30) days; and shall have caused himself to be registered in the ward of his residence in the manner hereinafter provided, and shall have produced and surrendered to the inspectors of election at the polling place of said ward the original certificate of such registration hereinafter provided.

Registrars.

SEC. 6. Be it further enacted, (1) That at least twenty (20) days before the second Monday in September, on which the election is to be held, it shall be the duty of the city council to appoint or select one (1) person for each place of registration to act as a registrar of voters; a place of registration in each ward also to be selected by the city council; (2) that the city clerk shall give at least five (5) days' notice by advertisement in some newspaper published in said city of the appointment of the several registrars and of the time and place at which they will attend and make registration of voters as hereinafter required; (3) that should any of the registrars so appointed fail to act, or from any cause a vacancy should occur in said appointments, then the city council shall appoint some other person in his stead; (4) that before entering upon the discharge of their duties, each of said registrars shall make and subscribe an affidavit before the mayor that he will faithfully and truly perform the duties of registrar by this act imposed on him, and that he will honestly, without fear, favor, affection or prejudice, and without reward or the hope thereof, cause registration to be made of all persons who may personally apply therefor, and who may show that they are legally entitled to vote at the next ensuing election, and of no other person, which said affidavit shall be filed in the office of the city clerk; and for any wilful violation of their duty as registrars hereunder they shall, on conviction, pay a fine of two hundred dollars ($200) for the use of the city of Bessemer; (5) that said registrars shall re-

spectively commence registration on the third Monday in August next preceding the election, and shall continue the same until within seven (7) days of said election, at which time said registration shall be closed; (6) that before registration is made of any applicant therefor, said registrar must be satisfied by personal knowledge or sufficient evidence that such applicant is a qualified elector under this act, and that he will be legally entitled to vote at the next ensuing election for municipal officers of said city, according to the requirements of this act, and said registrar being so satisfied, must thereupon place the name of such applicant upon the registration list, together with his color and the ward of his residence, bounding the latter by streets and avenues, and giving such other description as may be easily intelligible; (7) the name of the party registering shall be placed upon said list alphabetically, and be numbered in the order of registration, and the said registrar must furnish each person so registered a certificate of registration, stating therein his name, age, ward of residence and the number of his registration; (8) the right of any person to be legistered as a voter may be challenged in the same manner as hereinafter provided for the challenging of any person who may claim the right to vote at said election. Provided, however, that when an applicant for registration has been identified by some person, known to the registrar, who will make oath to the identity of the applicant, and such applicant himself will subscribe the following oath:

Time of registration.

"I solemnly swear (or affirm) that I have resided in the State of Alabama one (1) year, in the city of Bessemer three (3) months, and in the ward in which I now live thirty (30) days next preceding this election; that I am 21 years years of age, and that I have never been convicted of any crime involving moral turpitude," then in such event the registrar is required to furnish said applicant the necessary certificate of registration with the name of the person who identified said applicant endorsed thereon, and also endorsed on the registration list; (9) that it shall be the duty of each registrar to furnish the inspectors for his ward with a list of the voters registered and subscribed under the provisions of this section, and said registrars shall carefully preserve the original registration list of the voters registered by him and make, or cause to

Registration oath.

Registration. list.

be made, a correct copy thereof, and certify said original copy over his signature, and immediately after the closing of the registration list shall deliver the said original and said copy to the mayor of the said city ; (10) that in case the registrar is in doubt, and cannot decide for himself any matter pertaining to his duties as registrar hereunder, then he shall take the advice on such matters of the city solicitor, or the corporation counsel, of said city ; (11) that as soon as practicable the mayor of said city shall cause at least fifty (50) carefully corrected copies of each of said registration lists of the several wards of the city to be printed, and shall furnish to each of the inspectors of election one printed copy of the registration list to be used at such election, one of which printed copies shall be designated and used by each set of said inspectors as their official copy, and shall by them be returned with the ballots cast at such election and other things, as part of their official returns as herein directed: (12) that it shall be the duty of the mayor at least three (3) days before the election of municipal officers, to post at the city hall door of said city, one printed copy of each of the registration lists of the several wards; (13) and that the original of said list and the certified manuscript copy as received from the registrars shall, after the aforesaid printed lists have been prepared, be by the mayor deposited with the city clerk to be preserved among the records of said city, the said original lists, however, to be used by the inspectors of said election for the purposes of the election, if they deem necessary.

Polling places.

SEC. 7. Be if further enacted, That at said election there shall be one polling place in each ward, and it shall be the duty of the mayor and the city clerk to provide for opening of the polls thereat, and to give ten (10) days notice by publication in a newspaper or newspapers of said city, of the time and place of holding such election, and the names of the inspectors of election for each polling-place; but the city council, in case they deem it necessary, may allow and select more than one polling place in each or all of the aforesaid wards, at any municipal election under this act.

Inspectors.

SEC. 8. Be it further enacted, (1) That there shall be three (3) inspectors for each polling place for said election in said city, to be appointed by the city council, one of whom shall be a member of each political party, if

practicable, and said inspectors shall be qualified electors at said election and shall perform all the duties of returning officers hereunder; (2) that the said inspectors shall not receive the vote or ballot of any person whose name does not appear from and upon the registration list, as furnished by the mayor, as having been registered in the ward in which he proposes to vote, and who does not at the time of voting, present and surrender to them, his certificate of registration, issued to him under the provisions of this act, to be by them then and there cancelled, and does not, on demand, make satisfactory proof of his identity with the person whose name may be on said registration list; and upon the receipt of any vote, the inspectors shall forthwith draw a line in red ink on said official registration list over the name of the person voting; (3) that any person offering to vote at any municipal election in the said city, may be challenged by either of the inspectors, or by any qualified elector, and it is the duty of any inspector to challenge any person offering to vote whom he knows or suspects not to be qualified under this act as an elector, and when any person is challenged, if his ballot is not withdrawn, one of the inspectors must tender him the following oath : "You do solemnly swear that you will fully and truly answer all questions that may be put to yon touching your qualifications as an elector," after which, the inspectors, or one of them, must examine him as to his qualifications under this act, and when a vote is so challenged, it must be counted by the inspectors, but such vote must also be deposited in a separate box from the remainder of the votes cast at such election, and the vote so challenged shall be designated to the city council in said box as a contested vote; (4) that for the purpose of such election the printed lists furnished to the inspectors by the mayor, and hereinbefore described as the official list, shall be taken to be correct, but subject, if error be alleged, to be corrected by comparison with the original registration list for that ward, which, for that purpose, shall be in the custody of the inspectors at the time and place of such election; (5) that the said inspectors shall, immediately after the polls are closed, proceed to count the ballots cast at their respective polling places, during which count or casting up of the ballots, each opposing party for mayor shall be entitled to have a representative

Challenges.

Certificate of result.

present, and, after the count shall have been made, the results of the election shall be certified to the city council of said city; (6) and that they shall enclose the ballots, cast in their respective boxes, with the poll list and registration list for that ward, the certificates of registration surrendered at the election, together with their said certification of the result in the box in which are placed the ballots received at such election, and after carefully sealing the same, deliver said box with its contents to the clerk of the said city, who shall give to said inspectors his receipt for said box, stating therein the condition of said box when received by him.

SEC. 9. Be it further enacted, That any person who falsely personates another, and thereby casts a vote to which he is not entitled, or thereby obtains registration as a voter to which he is not entitled, or attempts by such false personation of another to obtain such registration, or, after having once voted at said election, votes a second time, or attempts to vote a second time, whether in the same ward or another ward, or who votes at such election when not entitled to do so, or shall falsely attempt to do so, or after having once obtained registration in any ward he shall cause himself to be registered the second time or attempt to obtain a second registration, whether in the same or another name, or shall aid or assist another not entitled, knowing him not to be entitled, to vote, or to obtain registration as a voter, or shall wilfully give a false answer to any question put to him by any inspector or registrar hereunder, shall be guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the penitentiary or by hard labor for the county, for the space of not less than six (6) months, or more than one (1) year.

Fraudulent voting.

SEC. 10. Be it further enacted,(l)That the city council shall, immediately after the delivery of the boxes, poll lists and inspectors certificates of the respective polling places, as hereinbefore required to said Clerk, proceed to open the said boxes, and by a footing up of the returns as made by the inspectors of the several polling places (and by a count of the votes if deemed necessary) ascertain which of the candidates have received the highest number of votes for the respective offices, and declare the election to the respect-

Declaring result.

ive offices of the persons who shall have received the largest number of legal votes for the respective offices to be filled at said election, and shall give certificates of election to their respective offices to the persons so found to be elected; (2) in case the members of the citv council, or a majority thereof were candidates at said election, then the clerk, treasurer and chief of police of said city, shall foot up the returns, after being duly sworn by the mayor to act fairly and honestly in the premises, and declare the result, and issue the certificates of election as above stated; (3) that the certificates of election as above provided, shall entitle the person so certified to the possession of their respective offices, immediately upon the expiration of the term of their predecessors, as fixed by law, subject, however, to contestation of their right as is now, or may be provided herein; (4) and that the ballots cast at each election held under this act, shall, after the same are counted, (if the city council deem it necessary to count them) be sealed up by the city council and deposited with the clerk of the circuit court of Jefferson county, Alabama, who shall preserve the same for thirty (30) days after the election is declared, after which, if there is no contest, the said clerk shall destroy them, but in the event of a contest, the same shall not be destroyed, but shall be held and delivered to the judge trying the same.

SEC. 11. Be it further enacted, (1) That any election held under this act may be contested by the party filing his grounds of contest in the office of the clerk of the circuit court of Jefferson county, and giving security for the costs of the said contest to be approved by said clerk; (2) the contestant must make a statement of the grounds of contest, and give notice to, the persons whose election is contested, within twenty (20) days after he is declared elected, by having served on him, or having left at his usual place of residence, by the sheriff or some constable of the county, a copy of the grounds of contestation, verified by oath of the contesting party or some one for him, that he believes the same to be true; (3) that the said circuit court

Contests.

shall have full power to prescribe rules for procedure in such cases, and cite the party whose election is contested to appear and make defense, enforce obedience to its orders, shall have jurisdiction to hear and determine the contest, render proper judgment, and enforce the same; and such contest must be heard and decided by the judge of the said circuit court, but either party may demand a trial by jury, whereupon the issues of the contest must be made up under the direction of the said judge, and submitted to a jury ; (4) that if the person whose election is contested is shown to be ineligible, judgment must be rendered declaring the election void as to such office, and the vacancy must be filled by the city council; if it appears that the contesting party received the highest number of legal votes at said election, he must be declared elected; and if it appears that two persons have received an equal number of votes, it must be so adjudged, and the office must then be filled by an election by the city council; (5) that said election may be contested for fraud of any inspectors of the election, or ineligibilty of the person declared elected, or on account of illegal votes, or from offers to bribe, or bribery, or any other misconduct calculated to prevent a fair, free and full exercise of the election franchise by those entitled to vote at said election; (6) that the said court may adjudge the cost of the said contest as it

Appeals. may deem just in its discretion; (7) and that an appeal shall lie from the decision of the circuit court to the supreme court under the ordinary rules prescribed for the appeal from judgments rendered in civil cases by the circuit court.

SEC. 12. Be it further enacted, (1) That a majority of the city council shall be required to transact any cor-

Meeting of Conncil. porate business, but any number not less than three (3) may assemble at its regular place of meeting and adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as may be prescribed ; (2) that the city council may determine and regulate the rules of its proceedings except as to; and in accordance with the regula-

tions hereinafter prescribed; (3) that it shall have the power to fine its members for absence, or disorderly conduct or behavior; (4) that in the absence of the mayor at any meeting of the city council, the members present may select a presiding officer, and in case of sickness or temporary absence of the mayor from the city, or inability to serve from other cause, he may appoint any one of the aldermen to act as mayor pro tempore and the alderman so appointed shall have all of the powers and perform all of the duties of the mayor until he shall resume his office ; (5) that in all votes where the ayes and nays are demanded to be taken, there shall be a call of the roll, and the ayes and nays as voted shall be recorded in the minutes of the meeting; (6) that the city council shall cause to be kept by the Record.
city clerk a regular record of all proceedings, orders, regulations, resolutions, and ordinances thereof, which shall be read to the city council and signed by the mayor or acting mayor, when approved by the city council, and the same shall have the force and effect of a record, and a copy thereof certified by the city clerk shall be prima facie in any court, or elsewhere, which minute book or other books of record shall at all times be open for inspection; (7) that in all judicial proceedings where, by law, bonds and securities are required from litigants, bonds shall be given for the said municipal corporation, but no security shall be required therefor, and all such bonds executed in the name of the city of Bessemer by the mayor without sureties, shall be taken by the courts of the State as a full compliance with the law in such cases, and all laws or parts of laws inconsistent with this provision, are repealed so far as the city of Bessemer is concened; (8) that the exercise of the powers herein conferred shall require a formal enactment by the city council duly organized, and such enactment may be either by resolution, ordinance, mandate or by-law; (9) that in the passage of all laws and ordinances for the erection of public im- Passing ordi-
provements, all penal ordinances, and all ordinances on nances.
the appropriation, expenditure or payment of moneys, the contracting of any debt, or making of any contract for the payment of money for more than fifty (50) dol-

lars, except appropriations for the regular salaries of officers and employes of the city, the ayes and nays shall be taken and entered upon the minutes of the council proceedings, and the vote of the majority of the whole number of Aldermen shall be necessary to pass any law or ordinance upon any one of the above subjects, but in all other cases, a majority only of the members present shall be necessary to act; Provided, however, that any member of the council may at any meeting thereof, call for the ayes and nays on any other question, any member of the council may have his protest against the passage of any measure spread upon the minutes of the council proceedings; (10) that all laws and ordinances before passing, shall be read three times, and after the first reading shall be referred to the appropriate committee and receive its endorsement or disapproval, before being called up for the second and third readings and final passage; but this should not be construed as requiring each reading to be at different meetings unless hereinafter provided; (11) that all new ordinances containing a penalty, all ordinances affecting the property rights generally or to operate upon the public at large, all ordinances for the creation of any city indebtedness or for the creation of any contract to which the city may be a party, all ordinances levying a license or a tax, and all ordinances for the repeal of, or for the purpose of amending any existing ordinance, shall be referred to the appropriate committee, and lie over until the next regular meeting of the council before coming up for the second and third reading and final passage, but all other ordinances may be passed at the meetings at which they are introduced by complying with the provisions of this act; (12) that after the due passage of any law, and before it shall go into effect, the same shall be submitted to the mayor for his approval, which if given, shall be expressed by signing thereto the word "approved" with his signature, and the date of approval; if he shall not approve the ordinance, he shall

Approval of ordinances.

not sign it, but shall, not later than the next regular meeting of the council, or sooner at a special meeting that is called for that purpose, return the same to the city council with his reasons for vetoing the same attached thereto, and if not so returned within the time required, the ordinance shall have all the effect as if approved by him, and, after due publication, shall become a law;

and if at the meeting the ordinance is so returned, the city council may pass the same by a two thirds vote of the whole number thereof, over his veto, it shall have the same effect, and after publication shall become a law as if approved by him, and it shall express, when published, that it was passed over his veto, by the required vote; (13) that the mayor shall have no right to cast any vote except in case of a tie-vote, and any member of the council failing or refusing to vote, shall be taken as voting in the negative; (14) that no law or ordinance shall be enforced until ten (10) days from the date of the due publication thereof; Provided, this shall not apply to ordinances which do not affect the public generally, which said ordinances shall take effect from and after due passage and approval; (15) that the clerk shall keep a register of ordinances, in which he shall record all ordinances duly passed and published, and shall add to the record of each ordinance his certificate, which certificate must show that all the requirements of the law relating to the passage and publication of said ordinance, have been complied with; shall give the date of its passage, the name of the newspaper in which it was published, and the page of the minute book containing the minutes of the meeting at which it was passed; (16) and that no ordinance passed otherwise than in the manner required by this section, shall have any force and effect whatsoever, but shall be ab initio void.

Register of ordinances.

SEC. 13. Be it further enacted, That it shall be the duty of the mayor to preside and keep order at the meetings of the city council; he shall call special meetings of the council, whenever, in his opinion, the interest of the city requires it; he may punish a contempt while the council is in session by a fine not exceeding twenty-five (25) dollars, and by imprisonment for not more than ten (10) days, for each offense, one or both, to be enforced in the same manner that judgments in the mayor's court are enforced, and by the same officers; he shall keep an office in the said city, and shall receive such fees or salary as the council shall prescribe as compensation for his services; he shall have the right when the good or safety of the city, in his judgment, requires it, to call upon or require the aid of the sheriff of Jefferson county, and may also require the aid of volunteer, or militia companies, in said city for the protection of said city; and shall

Duties of mayor.

at least once in every six months make a statement to the council in writing of the financial condition of the city, which said statement shall be published in at least one of the papers published in the said city; he shall have the power to suspend the chief of police or any member of the police force, or fire department, until the next meeting of the council, when he must report the fact of such suspension to the council that it may take such further action as it may deem advisable; he shall see that all contracts or agreements with the city are faithfully kept and performed, and to this end he shall cause legal proceedings to be instituted and prosecuted against all persons or corporations failing to keep their agreements with the city; he shall have the power to remit or commute fines, costs, forfeitures and penalties duly imposed for violation of any ordinances or charter provision, but he shall make a report of the same to the city council with his reasons in writing therefor at the next meeting thereafter; and shall execute all bonds and contracts required in judicial proceedings, or other matters for and on behalf of the city of Bessemer; be shall exercise general supervision over the fiscal affairs of the city, and shall be charged with the faith and credit of the city in relation to its debt and other liabilities; he shall be the chief executive officer ofthe city, and he shall perform all such other duties and have such other powers in addition to these herein described not inconsistent with the laws of the State and the provisions of this charter as may be required of him by the city council.

SEC. 14. Be it further enacted, (1) That the city council may appoint or elect such officers as it may see fit and think necessary for the good government of the city, and to carry out the powers herein granted, may pre-

Subordinate officers.

scribe the duties of such officers, their liabilities and powers, may require them to give bond in such sum as they may see fit for the faithful discharge of their duties, may remove or discharge any of its officers or employes at pleasure, and may fix the salaries of the same; (2), that for any breach of the bond of such officers, suit may be brought in the circuit court of Jefferson county, Alabama, or other court having jurisdiction, and such suit shall be conducted in the same manner as other suits; (3) and that it shall be unlawful for any officer of said city, either directly or indirectly, by himself or by his

agent, to purchase, deal in or traffic in any manner, in a claim, debt, warrant or script due from the city, and any person found so dealing shall be guilty of a misdemeanor punishable by a fine of not less than ten (10) dollars, nor more than one hundred (100) dollars, but nothing herein shall prevent an officer or agent from selling such claims as he may have on hand at the passage of this act, or may acquire directly from the city, or from receiving in good faith any city claim in payment of a debt due to him, nor from purchasing in good faith so much of said claim as may be necessary to pay his taxes and licenses, either or both for the current year.

SEC. 15. Be it further enacted, That the chief of police shall have within the limits of the jurisdiction of said city, all the powers of constable under the laws of this State, shall be entitled to all the fees of such constable, for work done by him as such ; he shall possess within the limits of 8aid city, all the powers of a peace officer; he shall execute the orders, notices, and processes of the city council, or of the mayor, and shall have the power, if the council so order, to make arrests either with or without warrant and he shall perform such other duties as the city council may prescribe; Provided, that he shall not be compelled to execute any process as constable except by the order of the council, or of the mayor or of the acting mayor. Chief of police.

SEC. 16. Be it further enacted, (1) That for the trial of all violations of the laws and ordinances of the city, and the punishment of the offenders thereof, there shall be a mayor's court to be presided over by the mayor of the city and held by him daily, except on Sundays and legal holidays, under such mode of procedure, rules and regulations as the city council may provide; (2) that from any judgment or decision of said mayor presiding in said court, an appeal may be taken within live (5) days from the rendition of such judgment, by the defendant to the city court of Birmingham upon his entering into bond, in such penalty as the mayor may prescribe, with good and sufficient security to appear upon the date set for the trial of the appeal, and from term to term thereafter until discharged by law, and to abide by and perform whatever sentence may be adjudged against him, such bond to be payable to the city of Bessemer; and such case, on appeal, shall be tried de novo, and shall Mayor’s court.

be set within thirty (30) days from date of the taking thereof, and if the defendant be convicted, the court or jury trying the case may impose fines and imprisonment, either or both, just as the mayor could have done under the ordinances of the city, on the trial before him; and if the fine be not paid and imprisonment be imposed; the defendant shall be remanded to the city prison there to remain until discharged as provided by the laws of the city upon a conviction before the mayor; and in the case the defendant does not appear at the trial, but make default, then his bond shall be declared forfeited, and judgment rendered thereon against the defendant and his sureties as in State cases, except the judgment shall be in favor of the city of Bessemer, and when collected, shall be paid to the said city; (3) that the mayor shall have jurisdiction of all proceedings by motion, scire facias, or other writs instituted for the collection of any penal bond payable to the city of Bessemer taken under this act, or under the ordinances of said city passed in pursuance of this act, and from his judgment rendered in such proceedings executions thereon may issue and be enforced as executions from justice's courts; (4) that whenever any person in the custody of the city authorities before or after conviction of a violation of the city laws or ordinances, and is hold for such by said city, and such prisoner has violated any State law, and is charged therewith, such prisoner shall be held by paid city authorities until such time as the sentence of the mayor shall be fully performed and discharged, except in cases where the said party is demanded by the State authorities under a charge of felony, after which the said city authorities shall deliver said prisoner to the sheriff of Jefferson county, and such city officers as are in actual charge of said prisoner, in the event of the escape of such prisoner, through their fault or negligence during the term they hold said prisoner, shall be liable for such escape and shall be punished as is now or may hereafter be prescribed by the State law for an escape; (5) that in case the said city has not at any time sufficient room for persons sentenced to imprisonment for violations of city laws or ordinances, such person may be confined in the county jail of Jefferson county, Alabama, until the city council can provide for the confinement in the city prison; while such persons are confined in the jail, the

Appeals.

Provisos.

sheriff of said county shall receive for keeping and feeding such prisoner the same compensation allowed him for keeping other prisoners, and the city of Bessemer shall be responsible for the payment of the feeding of its prisoners so confined, payment for which shall be made in advance when required by the sheriff; (6) that said mayor's court of the city of Bessemer shall have concurrent jurisdiction with any court of Jefferson county now having jurisdiction over the violation of Sunday laws, assaults and batteries, and affrays in which no stick or other weapon is used, abusive, insulting or obscene language, and when the value of the commodity which is the subject of the crime does not exceed ten (10) dollars; of larceny, whether by common law or by statute, obtaining money by false pretenses, or taken with intent to defraud another, embezzlement and receiving stolen or embezzled goods, knowing them to be stolen or embezzled, cruelty to animals, and public drunkeness when committed within the corporate limits, or within the police jurisdiction as hereinbefore described of the city of Bessemer, and a judgment of conviction or acquittal of any of said offenses rendered by said mayor's court shall be a bar to any further prosecution for said offenses before any of the courts of this State; and said mayor's court within the corporate limits and within the police jurisdiction hereinbefore described, shall have jurisdiction to the exclusion of any other court or courts whatsoever now claiming or exercising jurisdiction of the offenses of vagrancy.

Jurisdiction of mayor's court.

SEC. I7. Be it further enacted, That the city council of the city of Bessemer shall have full and ample power, jurisdiction and authority: (1) to make, adopt and declare motions, resolutions, by-laws, orders and ordinances in whatever manner, not inconsistent with any provisions of this act, and on whatever subject it may see fit to carry out the powers herein granted, and for the good government and order of said city, and shall affix thereto penalties for violations of the same by fine not exceeding one hundred dollars, and by imprisonment at hard labor for the city not exceeding sixty days, one or both, and all persons convicted for the breach of any by-laws, orders, rules or ordinances, or any charter provision, failing to pay or secure such fine may be imprisoned for such failure or to hard labor for the city until such fine

Powers of council.

and costs are paid, in such manner and for such time, as the city council may direct, not longer than sixty days; (2) to pass all laws and ordinances necessary and proper to prevent contagious or infectious diseases from being introduced in said city, to establish a regular and efficient quarantine in said city, and within ten miles thereof, and to punish any breach of quarantine laws; to maintain the health and cleanliness of the city, and to this end may adopt and maintain an efficient system of sewerage ; to adopt such orders and regulations as it may deem necessary or expedient for the protection of health, and to maintain a good sanitary condition in public places and private premises of said city ; to prescribe the duties and affix the salary and compensation of all such health officers as it may deem necessary under the existing laws of the State; (3) to prevent and remove all nuisances of whatever kind or character at the expense of the person causing the same or on whose premises the same may be found, and to declare the cost of such removal to be a lien on the property from which the nuisance is removed; said costs to be collected in the same manner as taxes are collected; to prevent owners of property in the city or within the police jurisdiction thereof, from having or permitting pools or ponds of stagnant water thereon, and from having or permitting refuse, decayed or other unclean material thereon, and to cause the same to be removed at the cost of the owner; the said costs to be collected as fines are collected when imposed by the mayor's court; to contro and regulate slaughter houses, and confine the same within specified limits within the police jurisdiction of the city; (4) to aid, establish, set up and regulate hospitals, poor houses, work-houses, and houses of correction; (5) to license, tax, regulate and restrain theatrical or other amusements and shows; (6) to restrain or prohibit gaming, gambling houses, houses of ill-fame, disorderly conduct, breaches of the peace, riots, routs, or unlawful assemblies, public indecencies, chicken fighting and all games and sports whatever of an immoral or indecent character; (7) to appoint and regulate night and day watchmen, police patrol, and captains thereof, and to maintain a police force consisting of such officers and patrol men and under such rules and regulations as it may deem necessary; (8) to establish, regulate and control markets and market houses, and to regulate the sale of

General powers.

meats, vegetables, and other like articles within certain places, to certain hours, and within certain houses; (9) to make all needful provisions for the supply of the city with water, and to contract for supplying it with water; to establish fire plugs and public hydrants; to sink, repair and regulate public wells and cisterns, and regulate the rates of charges by water companies, or other persons, for water in its various uses to private consumers; (10) to make all needful provision for the supply of the city with gas and gas-lights, electricity or other lights, and to control street lamps and lights; to contract for the lighting of the city, and to regulate rates of charges by gas or electric light companies, or other persons for light and heat in their various uses to private consumers; (11) to maintain crematories for the destruction of garbage and such like substances either within or without the city limits; (12) to establish streets, avenues and alleys, and regulate and control the paving of streets and sidewalks and the fixing and giving the grade thereof; to compel the removal of obstructions from any highway in the city; and to open, alter, widen and extend; grade, cat down, fill in, pave or otherwise alter, and improve all streets, avenues, sidewalks, alleys and public places of the city, but the city shall not be liable for a failure to exercise this power; (13) to establish and build drains, sewers, aqueducts and reservoirs and to compel owners of lots or real property to ditch and drain the same at the expense of the owner, and to punish any refusal or neglect of such owner or party in charge of said lot or property; (14) to establish, build and construct underground sewers through private property anywhere in said city, paying to the owner such damage, if any, as may thereby the done to said property, and for the purpose of ascertaining such damages, the city may proceed by writ of ad quod damnum, as now provided by law in such cases, except that the jury shall consist of only five free-holders of said city, and such jurors shall be entitled to only $1.00 per day each while serving; and the fees of the probate judge for his services in the premises shall be only $5.00, and those of the sheriff $2.50 for his services in such proceedings; and in case one continuous sewer is to be run through the lands of several joint owners, the whole may be joined in one proceeding, the damages, if any, however, to be assessed and paid to each

Ibid.

Ibid.

joint owner separately; (15) to establish, lay out, regulate, and improve public parks; (16) to establish, regulate,
Ibid. change or enlarge fire limits in said city, and to pass all laws necessary for the protection of the city against fire, and for this purpose may remove any wooden building or structure, the character of which endangers the safety of the city, as respects fire, paying the owner therefor a reasonable price; to determine within what limits wooden buildings shall not be erected, and to prevent the reconstruction, repair or enlargement, in wood, of old buildings within such limits, and to condemn buildings and verandas and parts thereof, which are dangerous or insecure, and to tear down the same, if the owner or owners fail to do so; to regulate and control the erection of powder magazines within three miles of the city, and to prevent explosive and dangerous substances from being stored within the city, or within the police jurisdiction thereof; to regulate the manner in which explosives may be hauled, or kept in the city; and to regulate or prohibit the erection, construction or maintenance of any plant or works for the manufacture, or use, of dynamite, nitroglycerine, powder, or other explosive and dangerous substances, within the city, or within five miles thereof; (17) to regulate or prohibit the erection of awnings, verandas, signs, or sign-boards on, in or over the streets, sidewalks, avenues or alleys of the city; (18) to own, lay out, regulate, improve and control in whatever manner it may deem right and proper city cemeteries or other burial grounds, either within the city limits or three miles thereof, and whether the same may now, or may hereafter, be established, and in case such cemeteries are owned by the city to sell burial lots in the same; (19) to prevent the running at large on the streets or in the city of all cows, hogs, dogs or other animals, and to provide for the impounding and sale of such animals, and to prevent live stock from being driven through the streets of the city in droves ; (20) to prevent the sale of impure or adulterated food or drink, or the sale of diseased or unsound meats or decayed fruits and vegetables or other unwholesome articles of food; (21) to authorize the use of the
Ibid. streets, avenues or alleys of the city for horse, steam or electric railroads, and to regulate the same; to attach whatsoever conditions it may deem proper to any grant

or franchises, and to compel such companies or persons as may maintain or operate the same to have and keep Ibid. in repair such part of the streets, bridges and crossings over which their cars run as the council may deem proper; (22) to regulate the use of the streets for the erection of telegraph, telephone, electric or all other systems of wires and conduits, and to require the same to be placed under ground if it shall deem such necessary for public convenience or safety; (23) to punish all offenders against the peace, good order, morals, health, sanitation of the city, or against the person or property of the citizen, and to punish any act which is,by law, a crime or misdemeanor against the State except as may be otherwise herein provided; (24) to regulate and control the running of cars, trains or locomotives upon or across the streets, avenues or alleys of said city; to control and regulate the speed of such cars, engines or trains within the corporate limits of said city; to compel railroad companies to light their tracks in such manner and at such points as it may consider necessary for the convenience and safety of the city; to compel said companies to keep in good conditions their rights of way, shops and depot grounds, and to regulate, restrain or prohibit the switching of cars on or across the highways of the city; (25) to provide for the arrest, with or without warrants, of any person against whom there is a charge made of violating any city or State law, and to confine such person until duly discharged by law, and to make all needful provision for the issuance and execution of such warrants; (26) to pass all laws necessary or proper to secure the safety of persons from fire in halls and buildings, let or used for public assemblies and for entertainments and amusements, and to compel owners or lessees of buildings to provide fire escapes, and to make provision against fire; (27) to make or cause to be made a compilation of laws and ordinances of the city, and to adopt and publish a city code, but it shall not be Ibid. necessary in adopting the said code to set the same out in full in the records of the city as is provided in the case of the adoption of ordinances for all other provis-



tence of the mayor for the violation of any offense for which he is triable by said officer; (35) to license, regulate and restrain the sale, giving away and other disposition of spirituous, vinous, malt and other intoxicating liquors, bitters and beverages in the following described district, situated in the corporate limits of the said city of Bessemer, but within no other limits and at no other places, viz:- Beginning at a point commencing at the intersection of Seventeenth street and Fifth avenue, thence along Seventeenth street to Carolina avenue, thence along Carolina avenue to Short street, thence along Short street to an alley between Carolina and Arlington avenue, thence along said alley to Berney street, thence along Berney street to Berkeley avenue, thence along Berkeley avenue to Burke street, thence along Burke street to Carolina avenue, thence along Carolina avenue to Twenty Second street, thence along Twenty Second street to Fifth avenue, thence along Fifth avenue to the place of beginning; and it shall be unlawful, after the adoption of this charter, by the legislature to sell, barter, give away or otherwise dispose of spirituous, vinous or malt liquors or other intoxicating bitters and beverages within the corporate limits of said city, except as herein above provided; and for any violation of this provision, the person or persons offending shall be guilty of a misdemeanor. Liquor licenses

SEC. 18. Be it further enacted, (1.) Taxation.—The city council shall have the power to assess, levy and collect against the general dealers in merchandise resident of said city, a tax of one-half of one per cent. on the first day of January of each year; to assess, levy and collect against general dealers of merchandise who are transient, a tax of one-half of one per cent. on the largest amount of merchandise on hand at any time while engaged in the business; but this said tax shall be in lieu of the ad valorem tax of one-half of one per cent. hereinafter authorized to be imposed upon said merchandise; to assess levy and collect taxes on all property in said city for each year, not exceeding one-half of one per-centum on the value Levy and collectiod of tax.

thereof. The assessments herein mentioned are to be made by the city clerk, or the city tax assessor, as the case may be.

2. Street Tax.—That the city council shall have the authority to require all male inhabitants of said city, who have resided therein ten days, and who are between the ages of eighteen and fifty years, to work upon the streets of said city, for at least five days in each year under the direction of such officer as it may appoint; Provided, however, that any person so required to work may relieve himself from so working by paying into the city treasury a sum not more than five dollars, all of which moneys so collected or paid, to be used and applied exclusively to the improvement of the streets ; Provided further, that the inhabitants of said city shall be exempt from working on roads or highways outside the limits of the said city; and Provided further, that no male inhabitant of said city between the ages of eighteen and fifty years shall be exempt from the operation of this section, except such as are now exempt from working upon the public roads of the State, or such as the council may, in addition thereto, hereinafter expressly by ordinance so exempt.

Street work.

3. Poll Tax.—That the city council shall have the exclusive power and authority to levy, assess and collect all poll-tax from the inhabitants of said city liable to pay such tax; said poll tax to be used and applied to the public schools of the city; and that the said tax is to be assessed and collected by such officers as the city council may appoint, under such rules and regulations as it may prescribe, and the said officers, unless different provision shall be made by the said city council, are to have the same rights, powers and remedies for the collection of said poll tax as are now given to the tax collectors and other officers now provided by the general law for the collection of poll-taxes.

Poll tax.

4. Licenses.—The city council shall have the power to license and stop such exhibitions, business, vocations, occupations or professions as are now licensed by the State, and others herein below named, and to punish all persons who do business in said city without having

Licenses.

taken out the license required by law or ordinance,
and to impose and collect such license, not to exceed Ibid.
the following amounts, on the business, vocations, occupations or professions here named, to-wit: Auctioneers, (resident) $50; (non resident) $100; barber shops, for each chair, $2; banks and bank agents, and dealers in exchange $25; commission merchants and brokers, whether by sample or otherwise $50; druggists and apothecaries, each person or firm $25; express companies having an office in the city for the business of carrying express matter from Bessemer to other points in the State, and from other points in the State to Bessemer $100; hotels, each $50; but the city council may regulate the charges according to the number of rooms, if it deem proper to do so; restaurants, each $10, and where rooms are rented in connection therewith, $25; life, accident and fire insurance agents each, for each company represented, $10; livery and sale stables, each $25; itinerant traders by sample or otherwise, $10; dealers in fish and oysters, each $20; transient physicians or venders of patent medicines, each $50; undertakers, each $50; keeping studs or jacks, each $10; commercial telegraph companies having an office in the city, in the business of sending and receiving telegraph messages from Bessemer to points within the State, and from points within the State to Bessemer, (except business for the federal government) $100; carts, drays, wagons, hacks, coaches or omnibuses, each $20; ware-houses and public weighers, each $50; pawn brokers, each $100; dealers in commercial fertilizers, each $25; cotton buyers, each $10; dealers (other than general dealers) in wagons, buggies or carriages, $25; watchmakers, or jewelers, each doing business for himself, $10; bakers, each $10; tinshops, each $10; coal or wood dealers, each, for each yard $10; dealers in lumber, each $25; dealers in brick, each $50; dancing-masters, each $10; skating rinks, each $25 ; ice cream saloons, each $10; real estate agents, each $25; telephone exchanges, each $100; plumb- Ibid.
ers or gas fitters, each $25; ice factories, each

$100; lightning rod agents, each $50; drummers or commercial agents, selling to customers upon business
Ibid. not inter-state, $10 each; dealers in tobacco or cigars, whether principal stock in trade or not, each $10; photograph or art galleries, whether in house or tent, $25; news-dealers, each $10; fruit stands, each $10; green grocers, each $25; marble yards, each $20; architects or superintendents of buildings, each $25; commissary or grub cars, whether run by railroads or individuals, for each car used in selling goods within the corporate limits, $100 each; confectioneries, each $10; dealers in fireworks or pyrotechnics, each $20; boot blacks, each $10; dealers in pistol cartridges, each $10; veterinary surgeons, each $10; job printing offices, when run by steam, gas, electricity or water-power, $25 each; job printing offices when run by hand, each $15; newspaper offices, daily, each $25; newspaper offices, weekly each $15; newspaper offices, monthly or otherwise, except daily or weekly, each $10; wood sawyers, by machinery, each $15; each railroad company having an office in or running cars in or into the city for the business of transporting freight and passengers from Bessemer to other points in the State, and from other points in the State to Bessemer, $100; each railroad or steamboat ticket broker or scalper, $25 ; each loan association, or company making loans in the city, $20; candy manufacturies, each $10; each dealer in machinery or agricultural implements, when principal stock in trade, $25; each corn or flour mill, $50; each agent for the sale of cotton gins, $25; each buggy, wagon or carriage manufactory or repair shop, $25; each water company $500; laundries each $25; each wholesale dealer in oils or agent for same, $50; each contractor or firm of contractors, $25; each person running a handcart, $10; each stencil cutter $10; each cotton press or compress, $100; each drummer or runner for a hotel or boarding house $10; each sawmill $50; each sash or blind factory, or agent for same, $50;
Ibid. each person or clerk engaged in the business of making abstracts of titles, $10; sausage factories, each $10; lawyers, doctors, dentists, each $10; junk dealers, or deal-

ers in hides or old iron, each $25; each drover or dealer in horses or mules, other than liverymen, $50; cabinet makers or proprietors of wood shops, each $10; building and loan associations, each $25; cotton buyers or brokers, each $25; each merchant tailor, $25; every grinder of a hand-organ, or strolling band of music, per week, $5; each theatrical, opera or other troupe, acting or performing in the city, each day, $5; civil engineers or surveyors, each $25; bill or note collectors, each $10; each intelligence office, $25; every bottler of beer or ale, $25; dealers in ice, each $10; each gas company or other light company or fuel gas company $500; brewers or breweries $100 each; each street railroad company, whether its cars are operated by animal, steam or other power, $500; each bill poster or distributor, $10; each gun shop or gun repair shop, $10; each dye house, $10; each cigar manufactory, $10; each millinery establishment, $10; each person who gives suppers, not exclusively for charitable purposes, where a charge is made, $5; each dancing house or hall, $15; each public hall, $10; theaters, concerts or music halls, $100. The business, exhibitions, occupations and professions taxed by the State, the said city may tax and license id such sum as the city council may deem just and proper; and the said city council shall have the right to tax and license all businesses, trades, occupations, exhibitions and professions not above enumerated or provided for, and to fix the amount of license at such sums per annum, or for a shorter time, as the city council may deem just and proper. The license to be issued under this act, and the ordinances passed in pursuance thereof, shall be signed by the mayor and city clerk, and for the issuance of the license, they shall be entitled to charge a fee of one dollar each, to be paid into the city treasury. Whenever any firm or corporation whose business occupation or profession shall be taxed and licensed as aforesaid, shall be engaged in inter-state commerce, as well as commerce wholly within the State of Alabama, then the city council shall have full power and authority to tax and license as aforesaid, the State commerce, without prohibiting, regulating, taxing or requiring license for the interstate business of such firm, person or corporation.

Ibid.

Other taxes.

Fee for licences.

Tax liens.

5. Liens for Taxes.— That the city of Bessemer shall have a prior lien for taxes due thereon to the city upon all real and personal estate assessed for taxes, over and above all other liens that may exist thereupon, except those for the State and county; and upon all sales made under and by virtue of such assessments, the city clerk, or the city tax assessor, as the case may be, of said city shall by a deed convey to the purchaser at such sale or sales a title superior in the order of priority of liens to that of any lien existing, save those of the State. Provided, however, That when a tax is assessed upon property the owner of which is not known, sixty days' notice of the sale, specifying the amount of taxes, shall be given in some newspaper published in the said city before the sale; and Provided further, That no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person than the owner or as the property of an unknown owner, or on account of any informality or irregularity whatever in the proceedings for the assessment or sale, unless the person impeaching said case shall show that the taxes so assessed on said property, and all penalties and costs accruing on such assessments, and the proceedings for sale, were paid after the time of such sale.

6. Sale of Property for Taxes, and General Provisions.—That the city council is hereby authorized and empowered to pass laws for the sale of real estate and personal property in said city for taxes due thereon whether said real estate or personal property belongs to resident or non-resident owners, or to persons unknown, and to authorize the sale of any one lot, or subdivision of lot, or so much of the property as may be necessary to pay the taxes due; that the owner, or any one for him, 'or any mortgagee or person having a lien shall be allowed to redeem at any time within two years from the sale, on paying the purchaser, or the city treasurer for him, double the amount of taxes, costs and expenditures of sale paid by the purchaser, and five dollars for the expense of reconveyance; and 'also the legal interest on the amount paid at such sale from the date of sale to the day of redemption; that if, on any sale of property for taxes, there shall be a surplus over the amount necessary to pay the claims of the city, the said surplus shall be deposited in

the city treasury to be kept as a separate fund by the city treasurer for the owner, and for its safe keeping he shall be liable under his official bond; that interest shall be collected on all taxes assessed from the first of May next after the assessment if not paid by that day; that when any lot or part of a lot has been assessed to an unknown owner, the assessment shall be prima facie evidence of the fact; and that the city council may, by its agent, purchase real estate, sold for the taxes due thereon, in which event the deed shall be made to the city of Bessemer, and kept with the other records of the city; and property so purchased may be redeemed as other lands sold for taxes, as above provided, and when so redeemed, the said land shall be re-conveyed to the owner as in other cases.

7. Power to Collect Taxes.—That the city council shall have the power to collect all taxes of said city and all fines and forfeitures imposed for violation of any city ordinance, by execution, levy and sale, and from the operation of said execution, no property of any citizen of said city, or other person, shall be exempt, and no person shall have the right to claim real or personal property or wages as exempt from the payment of taxes, fines or forfeitures, or other obligations due the city. Provided, that this mode of collection shall not prevent the collection of such in any other manner than is herein provided.

8. General Powers Concerning Taxes.— The city council shall have and possess full and ample power, jurisdiction and authority to make, adopt and provide all necessary rules and laws proper to the full exercise of the powers hereinabove provided as to taxes and licenses, not inconsistent with any rule or provision herein made.

SEC. 19. Be it further enacted, (1) That the city council shall have the power to establish, regulate and control, under the limitations and in the manner hereinafter set forth, free white public schools and free colored public schools in said city; (2) that the said public schools shall be under the charge of the city council and of a board of education for said city, each having the powers and being charged with the duties and authority hereinafter set out and imposed; (3) that the board of education shall consist of the mayor of Bessemer and six other persons, to be elected by the city council, two of whom shall be

Public schools

elected for the term of one year, two for two years, and two for three years, and after the expiration of the, first term of the members elected as aforesaid, the successor of each shall be elected by the city council for the term of three years, and ever thereafter the term of each member shall be for three years, provided, that the mem

School board. bers of the school board of said city as at present constituted, shall hold office until their respective term shall expire, after which their successors shall be elected for their full terms of three years each; (4) that each member of the board of education except the mayor, shall, upon his induction into office, subscribe to an oath to faithfully discharge all the duties upon him as a member of said board, such oath to be administered by the mayor; (5) that said board of education shall open a sufficient number of schools to meet the wants of the population of the city of Bessemer; shall elect a city superintendent of education, a superintendent of schools, a principal thereof and all teachers therefor; prescribe their duties; shall control the distribution of teachers and of pupils among the several schools; dictate the course of instruction, the number and character of text books, the organization of classes and the methods of teaching; and shall prescribe the rules and regulations for the government of the schools; (6) that it shall be the duty of the board of education

School funds. before the first Wednesday in April of each year to prepare and file with the mayor and city council an estimate of the needs and of the money that will be required for the maintenance of the public schools of the city for the succeeding scholastic year and for the erection and repair of necessary school buildings; and such estimate may be enlarged, altered, changed or diminished in such manner and to such extent, prior to the appropriation hereinafter required to be made, as the city council may consider necessary and proper; (7) that the city council, after it shall have adopted the estimate presented by the board of education, or shall have adopted it with such changes or alterations as it shall be necessary and proper, shall appropriate for the use of said schools for the ensuing scholastic year a sum of money sufficient to meet said estimate, and in making said appropriation, it shall have the right to include therein all moneys whatever, whether the same are derived from the State, county, or

from special fees, to which the schools are entitled under general laws, as well as money from the general revenues of the city; and all of the said moneys so appropriated, shall be paid into the city treasury, a separate account thereof kept, and shall be disbursed by the city council in such manner as it shall direct, in accordance with the appropriation thereof, but this shall not be construed as preventing the city council at any time it may see proper after the first appropriation herein provided for, from enlarging or increasing said appropriation, if the interest of the schools demand the same, or of reducing the said original appropriation in case the demands of the schools do not require the use of all of the same; (8) that the city council shall have the right to appropriate one-tenth of the gross general revenues of the city for the support of said schools, and not more; and not more than four per centum of all moneys raised or which may hereafter be appropriated for the support of the public schools shall be used or expended otherwise than for the payment of teachers employed in such schools; (9) that the board of education shall have the power to charge in the said schools such incidental or other fees, and tuition as may be deemed necessary for the proper maintenance and conduct of said schools, such fees and tuition to be collected and paid into the city treasury for the exclusive use of the said schools; (10) that the board of education shall issue diplomas to all persons who satisfactorily complete the course of study for the public highs chools of said city ; (11) that the plan of instruction and the rules and regulations adopted by said board of education shall be adhered to unless otherwise ordered by a vote of two-thirds thereof; (12) that the children and wards of all actual residents within the corporate limits of the city of Bessemer from seven to twenty one years of age shall be entitled to seats as pupils in the public schools of said city, and such children themselves shall be bona tide residents of said city, and that non-resident children may be admitted into said schools on such terms and conditions as the board of education may prescribe; but separate schools shall be provided for the children of citizens of African descent; (13) that the board of education shall have authority to create a board for the examination for applicants for positions as teachers in the public schools in the city, and no person shall be elected as teacher in

Incidental fees.

Who may be pupils.

said schools who shall not have received a license from such board ; and that the said board may at its discretion institute annual competitive examinations before such persons as the board shall select of all applicants for license to teach in the public schools in the city, including licensed teachers in said schools who are applicants for re-election as teachers.

Teachers.

SEC. 20. Be it further enacted, (1) That the city council shall have full power to pass ordinances and resolutions for the grading, paving or repairing of sidewalks, and for keeping same clean, and for planting shade trees thereon by the respective owners of real estate fronting thereon; and to enforce obedience to such ordinances by such fines, forfeitures, penalties and punishments as they may provide, to be assessed and collected as prescribed by this act therefor; (2) that in addition to the powers conferred by the preceding section, the city council shall have full power and authority to cause and procure all or any sidewalks along the streets, avenues and alleys now established, or hereafter to be established, in said city, and any or all streets, avenues and alleys now existing, or hereafter established in said city, to be graded, leveled, curbed, graveled, slagged, cindered, paved or macadamized, or to be re graded, re-leveled, re curbed, re-graveled, re-slagged, re paved or re-macadamized in such manner, by such methods and of such material as it may deem best and proper; and after the said city council shall have done such work, or cause the same to be done, the cost and expense thereof shall, after the completion thereof, be by said city council assessed upon and against the abutting land or lots, lying on or adjacent to the streets, avenues and alleys along or on which said work was done ; the assessments to be so made that each piece of said property shall pay off the expenses of any such improvements, a fractional share thereof, proportionate to its front on any such street, avenue, alley or sidewalk, or part thereof so improved ; and if such improvement is made only in front of one lot at one time, then such lot shall be liable to the whole cost of improvement. The said assessment shall be and constitute a lien upon the lands and lost respectively upon and against which they shall be so made, from the time the work is begun thereon, superior to all liens except those for taxes; but not more than one-half the cost of improving, as afore-

General powers as to streets and sidewalks.

said, the road way, exclusive of the curbing and sidewalks of any street or avenue, shall be assessed against such abutting property. After such work shall have been completed in front of or abutting any land or lot, the city council shall have the city clerk to give ten days notice in writing, to be served by the chief of police, or any policeman, whose return shall have the force of a sheriff's return, on the owner or owners of any land or lot so to be assessed, of the time and place at which they will meet to consider and determine the amount to be assessed against him or them, or his or their said property ; at which time and place said parties may appear if they desire, and make any defense they may have, if any, and at such time and place, or any future time and place to which the proceeding may be continued, the city council shall have the power to determine the amount of the assessment, and will enter the same in the records of the city. If such assessments are not paid in thirty days, together with the cost and expenses thereof, the same may be collected as other taxes, by the city tax collector. The said city council may also bring an action at law, or file a bill in chancery in any court having jurisdiction to enforce and collect said assessment, and to enforce the lien thereof, and in any judicial proceeding, the amounts assessed by said city council, as aforesaid, shall be prima facie correct. The city council shall have the power to transfer said assessment and its claims therefor to any other person, who shall then be entitled to have the lien enforced for his benefit. The said city council shall have power and authority to pass all laws and ordinances to secure to owners or others the right to redeem any lot sold to satisfy any such assessment under such regulations as they may establish. (3) That the notices required to be given owners by the preceding section, prior to such assessment, may be served by leaving a copy thereof with the agent of any owner who is a non-resident of the county of Jefferson ; and if he has no agent, then by advertisement once a week for two weeks in some newspaper in said city, and in case of minor residents, by leaving same with minor's father if living, or if father not living, then with mother or guardian, if such do not live in the county, then with the head of the family with whom the minor resides; if minor is a non resident, then by the advertisement above provided for non-resident

Assessments for street improvements.

adult owners; Provided, however, that no informality or irregularity shall render said assessment void, nor shall it be void because notice was served on wrong person, but the same shall be held prima facie correct and a lien on said lands or lots. But the real owners, when not served, may appear before the city council within ten days, after actual notice of the assessment and have any error, if any, corrected therein. The city council shall have the power to collect interest on any assessment from the date thereof; (4) that the city council shall have full power and authority to pass any other laws or ordinances they may deem necessary to carry into effect the rights they possess to improve the highways of the city as aforesaid at the expense of abutting property owners, and to assess the same according to frontage or benefits, as they may deem best; and to provide the machinery for the assessment and collection of such assessment; and to make them a lien on such abutting property ; and the power granted by this section is an additional grant, and shall not affect the rights and powers above conferred upon said city council; but the city shall not be liable for the failure by the city council to exercise these and other powers in respect to streets, avenues, alleys and sidewalks.

SEC. 21. Be it further enacted, That the city council be and is hereby authorized and required to establish a sinking fund to provide for the payment of the interest on any of the bonds which have been or may hereafter be issued by law, and for the payment and redemption of such bonds at maturity; and it shall appropriate to said fund not exceeding twenty five per centum of the revenue received on account of licenses and taxes on all property within said city; and it shall require all persons paying taxes or licenses to pay at least twenty-five per centum thereof in currency or so much thereof as may be required, or to it may seem proper.

Sinking fund.

SEC. 22. Be it further enacted, That in addition to the powers and privileges herein conferred, the said city of Bessemer and its corporate authorities shall also have, possess and enjoy all the rights, powers, privileges and franchises which may be conferred upon municipal corporations by the laws of the State.

Other powers.

SEC. 23. Be it further enacted, That no suit upon any claim or charge for money or damages shall be maintained

against said city until application shall have been made to the city council for the payment thereof, and the said application refused in whole or in part, or the city council fail at the next regular meeting to act thereon. Suits against city.

SEC. 24. Be it further enacted, (1) That the present incumbents of the offices of mayor and aldermen of the city of Bessemer shall continue to hold their respective offices and shall act as such and exercise each and every of the rights, powers and authorities herein conferred upon the mayor and aldermen and upon the city council until the first election of city officers provided for herein; (2) that no prosecution, suit or claim whatsoever pending or to be brought under existing laws, and no right of action accrue, nor proceeding commenced, nor prosecution now or hereafter commenced for any offense already committed, nor any existing right, remedy or defense shall be impaired, affected or altered by the passage of this act; nor shall any fine, forfeiture or penalty already accrued be released or impaired thereby; but all such rights, proceedings, prosecutions, remedies, defenses, fines, forfeitures and penalties shall be enforced under the laws existing at the time they began or accrued, in the same manner as if this act had not been passed; and all existing laws and ordinances of said city adopted in pursuance of law shall remain in force until repealed or modified by the mayor and city council as if the same are not in conflict with this charter; in which case the provisions of the charter shall be operated in place of all provisions with which they are in conflict, and all powers granted by this act must be liberally construed in favor of the power of the city to pass such laws; (3) that it is hereby expressly provided that Sections 38, 39,40, 41 and 42 of an act of the general assembly of Alabama, approved December 12th, 1888, which said act is to be found in the "Pamphlet Acts of the General Assembly of 1888-9," pages 185 to 210 inclusive, are not to be repealed, or in any manner affected by the passage of this act, but are to remain in full force and all of the provisions thereof to be binding upon the said city. Present officers of city.

SEC. 25. Be it further enacted, That, except as is other wise provided in this act, all laws and parts of laws, general, special or local, in any way inconsistent with or repugnant to any of the provisions of this act, be, and the same are hereby repealed.

Approved Feb. 21, 1893.

No. 273.] AN ACT [s. 247.

To authorize the city council of Montgomery to issue bonds for the purpose of borrowing money to build and equip school houses, construct sanitary and storm water sewers, and to pave or otherwise improve the streets of the city of Montgomery.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the city council of Montgomery be, and is hereby, authorized to issue bonds to the amount of two hundred and fifty thousand dollars ($250,000), all of which are to be coupon bonds bearing interest, payable semi-annually or quarterly, at such place or places as may be designated therein, and shall be issued under the corporate seal of the said council, and be signed by the mayor and clerk of said city; to bear interest at a rate not to exceed six per centum per annum, and to run for such time, not to exceed fifty years from their date, as may be determined by said city council. None of said bonds shall be of a lower denomination than one hundred dollars ($100), and shall not be sold or disposed of by said city council at less than their par value.

Amount and character.

SEC. 2. Be it further enacted, That the bonds and coupons for interest thereon issued under this act shall be negotiable paper, and may be made payable to bearer, but the holder of any such bonds may convert the same into a registered bond by an entry on the back of such bond, that said bond is registered, made in the presence of and witnessed by the treasurer of said city; and thereafter while said bond remains so registered, the same shall not be either negotiable or assignable, and the principal sum of all bonds so registered, and the coupons for interest thereon, shall be paid by such treasurer only to the person in whose name the same are registered, or to the personal representative or successor in trust of such person. It shall be the duty of the city treasurer to keep a record of the bonds so registered, and any bond so registered may be rendered again negotiable by an endorsement thereon by the lawful holder thereof that said bond is negotiable, made in the presence of and witnessed by the city treasurer, who shall thereupon note on the record of registration that such bond so endorsed is no longer registered, such indorsement can only be made by the

person in whose name the bond is registered, or the personal representative or successor in trust of such person; and the city treasurer, together with the sureties on his bond, shall be liable for all damages which may result to any person by reason of allowing the indorsement of any registered bond by any person other than the person in whose name the same is registered, or the personal representative or successor in trust of such person, but in all cases where the treasurer shall have any doubt of the right or lawful authority of any personal representative or successor in trust to make said endorsement the treasurer may require the person claiming the right to make such endorsement, to procure at his or her own expense, the decree of a court of competent jurisdiction, authorizing such person to make such indorsement, and such decree shall protect the treasurer from all liability for allowing said indorsement.

General provisions.

SEC. 3. Be it further enacted, That of such bonds, the sum of twenty-five thousand dollars ($25,000) shall be used and applied by the said city council exclusively for erecting, maintaining and equipping the public schools of and in said city, the said sum to be so used under the direction and control of said city council as it may deem best for the promotion of the purposes aforesaid.

For schools.

SEC. 4. Be it further enacted, That seventy-five thousand dollars ($75,000) of said bonds shall be used and s applied by said city council for the purpose of constructing and repairing storm water sewers in said city; the said sum to be used under the direction and control of said city council as it may deem best for the purposes aforesaid.

Storm sewers.

SEC. 5. Be it further enacted, That of said issue of bonds, the sum of twenty-five thousand dollars ($25,000) shall be used and applied by the said city council for the purpose of constructing sanitary sewers in said city; which said sum shall be used for the purposes named, under the direction and control of said council as it may deem best.

Sanitary sewers.

SEC. 6. Be it further enacted, That the sum of one hundred and twenty-five thousand dollars ($125,000) of said bonds shall be used and applied by said city council for the purpose of macadamizing, paving or improving in a similar manner any street or streets of said city, which may be selected for that purpose by said city

Improving streets.

council, and under such regulations as the said city council may prescribe.

How excess used.

SEC. 7. Be it further enacted, That if any portion of the bonds hereinabove directed to be applied to special purposes should not be needed or required for such special purpose, then and in that event the said city council may apply such excess to any of the other special purposes provided for in this act, and the said city council is hereby authorized to adopt such ordinances as may be necessary to carry into effect the provisions of this act.

SEC. 8. Be it further enacted, That no action taken by the said city council in reference to the application of the funds arising from the sale of said bonds shall be valid unless the same is taken by ordinance or ordinances, approved by the mayor, as required by the charter, or if the mayor should veto such ordinance or ordinances, then until the same shall have been passed by the council over such veto, by a vote of two-thirds of the members elected to such council.

Approved Feb. 17, 1893.

No. 274.] AN ACT [s. 547.

To make an appropriation for the expense of encampment of the Alabama State troops for the years 1893 and 1894.

Amount.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of $23,000, or $11,500 for the fiscal year ending Sept. 30, 1893, and the sum of $11,500 for the fiscal year ending Sept. 30,1894, be, and the same is hereby appropriated out of any money sin the treasury not otherwise appropriated for the purpose of paying the expenses and costs of such encampments of the State troops as may be ordered in those years for the purpose of instruction and discipline, including in such expenses the transportation of officers and men to and from camps, the preparation of camp-grounds, and any other expenses in connection therewith which the governor may deem legitimate and proper.

SEC. 2. Be it further enacted, That out of the amount

appropriated the transportation of officers and men to and from encampments shall first be set apart to each of the regiments, and the remainder of the sum for the years appropriated shall be prorated among the several regiments, according to the number of men actually present in camp; Provided, that the governor may in his discretion, during the week of encampment of either of said regiments, allow the commanding officer of such regiment to be paid such proportion of the appropriation as he may deem safe and proper. Transportation.

SEC. 3. Be it further enacted, That the governor shall make rules and regulations governing the disbursements of moneys under the provisions of this act. All expenses authorized to be contracted by him shall be certified and verified by affidavit, and paid to such officer or officers as the governor may direct. Rules.

Approved Feb. 17, 1893.

No. 275.] AN ACT [s. 508.

To abolish the county court of Barbour county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county court of Barbour county be and the same is hereby abolished.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

Approved February 17, 1893.

No. 276.] AN ACT [s. 559.

To incorporate the Chewalla cotton mills.

Section. 1. Be it enacted by the General Assembly of Alabama, That C. A. Locke, L. W. Foye, J. E. O'Brien, R. A. Ballowe, E. B. Young, P. B. McKenzie, H. C. Holleman, H, D. Clayton, G. L. Comer, J. P. Foye, T. J. Ramser, R. F. Crawford, C. P. Roberts, E. L. Edmonson, W. D. Jelks, 0. A. Stevens, H. Lampley, H. Scheuer, Corporators.

J. M. Thweatt, H. Schloss, T. Pruden, J. L. Ross and P. H. Morris, of Eufaula, Alabama, their associates, successors and assigns, be and they are hereby constituted a body corporate under the name and style of the Chewalla Cotton Mills.

SEC. 2. Be it further enacted, That said corporation shall have and is hereby vested with the following powers, namely : to exist perpetually as a corporation, to have a common seal and to alter and change such seal at pleas-
General powers. ure, to sue and be sued, plead and implead, contract and be contracted with; to engage in and carry on the business of manufacturing cotton thread, cotton yarns, cotton cloths, cotton ropes, and goods of cotton, and to engage in the business of manufacturing goods generally and of any kind and description; to subscribe for stock in other corporations, and to buy and sell the stock and bonds of other corporations, and to receive in payment of the debts due it the stock and bonds of other corporations, and to vote such stock so acquired in such other corporation, notwithstanding the character of business in which such other corporations are engaged; to buy, or sell, or deal in real estate, and to build, own and operate factories and manufacturing establishments; to borrow money, and to secure the same by mortgage, or deed of trust upon all or any portion of its property; to borrow and loan money; to buy and sell goods and merchandise; to deal in personal property, notes, mortgages, and choses in action, and to have debts due it evidenced, or secured by notes, or mortgages, or otherwise.

Capital stock. SEC. 3. Be it further enacted, That said corporation, be, and it is hereby authorized to have a capital stock of fifty thousand dollars, and it may increase its capital stock from time to time and to such amount, or amounts, not exceeding ten millions, in all, in the manner that is now or may be hereafter prescribed by law for increasing the capital stock of such corporations. Said stock shall be divided into shares each of the par value of one hundred dollars. The control and management of the business and affairs of said corporation shall be vested in a board of directors, constituted of not less than three nor more than nine persons to be selected by the stockholders, who shall hold their offices until their successors are elected and qualified. Said board of directors shall have power to fill vacancies occurring therein by death or resignation, at any meeting called for the purpose, and said board

shall have power to elect a president and a secretary and treasurer, such secretary and treasurer being but one and the same office, and such other officers of said corporation as its business may require, and to fix and prescribe the compensation of all the officers of said corporation. Said board may at any time and at pleasure remove any officer of said corporation. Said board shall be authorized to require any officer of said corporation to execute a bond with sureties, to be approved by said board, payable to the corporation and in such amount as said board may prescribe, conditioned to faithfully perform all his duties as such officer.

SEC. 4. Be it further enacted, That said C. A. Locke, J. E. O'Brien, E. B. Young, J. P. Foye, and E. A. Ballowe, or any two, or more of them, are hereby authorized to open the books of subscription to the capital stock of said corporation at such time and place as they may appoint, and when as much as fifty thousand dollars of the capital stock shall have been subscribed payable in monthly installments of two and fifty-one hundredth dollars per months, and when the first monthly installment of said capital stock shall have been in cash paid into the said corporation, then said corporation, or corporators, or such of them as shall open said books for subscription, shall call said subscribers together and a majority in value thereof being present in person or by proxy at such meeting, they shall elect from among themselves, a board of directors consisting of not less than three nor more than nine persons to serve for the ensuing twelve months, and until their successors are elected and qualified. Upon the election of said board of directors the said corporation shall be held to have been duly organized and shall be authorized to commence business. Said board of directors shall as soon as practicable after this election, elect a president and a secretary and treasurer, such office of secretary and treasurer being but one office, and such other officers as the business of said corporation may require. Organization.

SEC. 5. Be it further enacted, That the subscribers to or for the stock of said corporation shall not be liable for the debts or responsible for the liabilities of said corporation. For any balance due upon subscription to the capital stock of said corporation the subscribers shall be liable to the corporation which liability may be enforced Liability of subscribers.

at law or in equity as is now or may be provided by law, or as may be provided by the by-laws of said corporation.

SEC. 6. Be it further enacted, That the stockholders of said corporation shall meet annually at the principal place of business of said corporation, or at some place in the city of Eufaula, for the purpose of electing a board of directors; and a majority thereof in value in person or by proxy at such meeting shall constitute a quorum for such election and transaction of such other business as said stockholders may be authorized to do. At any regular meeting for the election of directors the number of directors constituting the board may be determined within the limits fixed by this act. At the first meeting of the stockholders under the provisions of this act, a majority in value of the stockholders may adopt for the government

By-laws.

and regulation of the corporation such by laws as shall not conflict with the provisions of this act, and at each annual meeting thereafter said stockholders may repeal, modify or amend its by-laws and adopt new ones. The principal place of business of said corporation shall be at Eufaula in the State of Alabama.

SEC. 7. Be it further enacted, That the stock of said corporation shall be transferable on the books of said company. Said corporation may charge a fee of not ex-

Transfer of stock.

ceeding fifty cents for entering the transfer, or assignment of stock on the books of the corporation, but only one fee shall be charged in each case of such transfer or assignment whether die transfer or assignment be of one or more shares.

Approved February 17, 1893.

No. 277.] AN ACT [H. B. 754.

To amend an act entitled "An Act to amend an act entitled an act to amend sections 463 and 529 of the code, approved February 18th, 1891.

Section 1. Be it enacted by the General Assembly of Alabama, That section one of an act to amend sections 463 and 529 of the code, approved February 18th, 1891, be amended so as to read as follows:— Section 1. The tax assessor shall be entitled to receive from the tax collector, out of the first moneys collected for the State, giving him duplicate receipts therefor, one of which receipts shall be forwarded to the auditor by the tax collector, the following commissions, on the State taxes assessed by him, to-wit:- In counties where the State tax assessed do not exceed twelve thousand dollars, the rate of commission shall be eight per cent. on the first thousand, four per cent. on the second thousand, and two per cent. on the remainder. In counties where the State taxes assessed exceed twelve thousand dollars, the commission shall be the same as above up to twelve thousand dollars, and all above twelve thousand dollars, one and one-half per cent. up to sixty thousand dollars, and one per cent. on the remainder. He shall also be entitled to receive a commission on all special State taxes assessed by him at the rate of two per cent. on the amount so assessed. He shall also receive from the tax collector the same rates of commission on amount of county taxes and on the amount of special county taxes regularly assessed, carried up or extended on the assessment book, giving duplicate receipts to the tax collector for all amounts so paid by him. He shall receive five per cent. of the amount of general State taxes upon property assessed by him which has escaped taxation in the assessment for the previous year, such previous assessment not having been made while he was tax assessor.

Commissions of assessor.

SEC. 2. Be it further enacted, That section 2 of said act be, and the same is hereby amended so as to read as follows: Section 2. The tax collector shall be en-

titled to receive commission on taxes collected by him as follows, to-wit:- In counties where collections do not exceed twelve thousand dollars, the rate of commission shall be eight per cent. on the first thousand dollars, four per cent. on the second thousand dollars, and two per cent. on the remainder. In counties where the collection of State taxes exceed twelve thousand dollars, the commission shall be as above declared up to twelve thousand dollars, and on all above twelve thousand dollars, one and one-half per cent. on the remainder up to sixty thousand dollars, and on all above sixty thousand dollars, one per cent. He shall also be entitled to receive two per cent. of all collections made by him of special State taxes. He shall also be entitled to receive the same rates of commission upon county taxes, and upon the amount of special county taxes collected by him. He shall be entitled to receive five per cent. of the amount of poll taxes collected by him, and upon the amount of escaped taxes assessed and collected by him, as provided by the act of February 28th, 1889, he shall be entitled to receive two and one-half per cent.

Commissions of collector.

SEC. 3. Be it further enacted, That all commissions on special taxes shall be paid out of said fund.

Approved Feb. 21st, 1893.

No. 278.] AN ACT [H. B. 563.

To authorize the commissioners court of Butler county to order elections for the establishment of district in which stock shall be prevented from running at large.

Section 1. Be it enacted by the General Assembly of Alabama, That the commissioners court of Butler county may order elections in any district of said county to determine whether stock shall be prevented from running at large in such district.

Elections ordered.

SEC. 2. Be it further enacted, That whenever twenty freeholders of any district desire the prevention of

stock from running at large therein, they may petition said court in writing, fully describing such district, and stating that petitioners reside therein, asking for an order to be made by said court for an election to be held in said district to determine whether stock shall be prevented from running at large therein. Petitions.

SEC. 3. Be it further enacted, That such petition must be filed with the probate judge at least thirty days before the next term of the commissioners court, and he must cause a notice of said application to be posted at the court house, and copies thereof posted in three other public places in the district, in the application or petition, and at least one notice of said application shall be given in a newspaper published in said county, of the day of hearing such application or petition. Notice of application.

SEC. 4. Be it further enacted, That at their next regular meeting, said county commissioners must, if such application or petition is filed thirty days before the term commencing, and such notices are posted and published as above provided, make an order for an election to be held in said district, setting a day for the holding of same, which must be at least ten days from the time said order is made, and fixing the place of holding said election, and must also appoint three legal voters residing in said district as managers of said election, one of which shall be a stock-law man, and one an anti-stock-law man, and must also appoint a returning officer for said election who must also be a legal voter of said district. Order of election.

SEC. 5. Be it further enacted, That within three days after said order is made the probate judge must issue notices to the persons appointed as managers and returning officers, which must be served immediately by the sheriff, who must at the same time appoint a deputy sheriff for said election. The election must be governed by and held under the laws now regulating the holding of State and county elections, and vacancies in the board of managers must be filled in the same manner as vacancies are now filled in regular elections, and in case the returning officer or depu- How election held.

ty sheriff fails to act, their places must be filled in the same manner as now provided for the State elections; Provided, however, that clerks, managers and returning officers of such elections shall have no pay for their services in such elections.

SEC. 6. Be it further enacted, That all legal voters residing in said district, and no others, shall be entitled to vote in said election, and those voting in favor of stock-law shall write or print upon their tickets "stock-law" and those voting in opposition shall write or print upon their tickets "no stock-law."

Who may vote

SEC. 7. Be it further enacted, That the returning officers, within 24 hours after the polls have been closed, return the box containing the election returns to the probate judge, who must hold the box until noon on the Saturday following such election, when he must open said box and declare the result. If it appears to the probate judge on opening such election returns that a majority of the electors voting at such election voted in favor of "stock-law" he shall make an order in the minutes of the commissioners court establishing stock-law in said district. If it appears that a majority of the voters, voting at said election, voted "no stock-law" he must record the result in the minutes of the commissioners court.

Result declared.

SEC. 8. Be it further enacted, That an election cannot be held oftener than once in two years in a district.

SEC. 9. Be it further enacted, That when stock-law has been established in any district of Butler county, the owner of any stock running at large in such district shall be liable to the party injured for damages done by such stock to any lands, or to any crops, fruit trees, shrubbery or other property in such district.

Damages.

SEC. 10. Be it further enacted, That suits for damages under this act shall be brought in courts as now provided by law for bringing suits for damages and shall be governed in all respects by the laws now in force regulating such cases.

Damage suits.

SEC. 11. Be it further enacted, That the owner or managers of any stock who shall knowingly suffer said

stock to run at large in violation of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than twenty-five dollars. Penalty.

SEC. 12. Be it further enacted, That the provisions of this act shall not app1,y to the corporate limits of the cities of Greenville and Georgiana. Exemptions.

SEC. 13. Be it further enacted, That the provisions of this act shall not apply to those districts where the stock-law already exists, but hereby validates the stock-law, in those districts.

SEC. 14. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved Feb. 17, 1893.

No. 279.] AN ACT [H. 973.

To establish a special school district, to be known as the Lowndesboro school district in Lowndes county.

SEC. 1. Be it enacted by the General Assembly of Alabama, That all that part of the county of Lowndes, embraced in township (16) sixteen, range (14) fourteen, township (15) fifteen, range (14) fourteen, township (15) fifteen, range (15) fifteen, township (16) range (15) fifteen, be and the same is hereby constituted a separate school district, to be known as the Lowndesboro school district. Territory.

SEC. 2. Be it further enacted, That the Lowndesboro school district, as such separate school district, shall receive its proportionate share of the public school fund coming to the county. School funds.

SEC. 3. Be it further enacted, That the public schools of the Lowndesboro school district shall be under the charge of a board of education to consist of five members, residents of said school district, the first five to be appointed by the county superintendent of education on 1st day of July next, and who shall hold Board of education.

their office for two years, and until their successors are appointed. Said board to elect one of their members as president, who shall make reports and furnish statistics and information to the superintendent of education of the State, as may be required by law, of county superintendents of education.

Establishment of schools.

SEC. 4. Be it further enacted, That said board of education may in their discretion, establish such number of schools to meet the wants of the population of said school district and said board shall elect such teachers as are in their opinion necessary to the proper conduct of said schools, to be submitted for ratification to the patrons of said school, and shall also prescribe rules and regulations for the government of the schools aforesaid. Such board shall have and exercise such other and additional powers as may be necessary to give it complete control of the public schools of said school district.

Who are pupils.

SEC. 5. Be it further enacted, That the children and wards of all actual residents within the limits of the Lowndesboro school district, from seven to twenty-one years of age, shall be entitled to seats as pupils in said public schools and non resident children may be admitted into such schools on such terms and conditions as said board of education may prescribe.

Fees charged.

SEC. 6. Be it further enacted, That the board of education shall have power to charge in the several grades in said schools such incidental or other fees as they may deem necessary for the proper conduct of said schools.

Keeping of funds.

SEC. 7. Be it further enacted, That all funds devoted to public school purposes in the Lowndesboro district shall remain in the hands of the county superintendent of education, to be paid out by him in such manner as said board of education through its president may direct.

Transfers.

SEC. 8. Be it further enacted, That the board of education shall issue transfers whenever the same may be applied for.

Approved Feb. 17, 1893.

No. 280.] AN ACT [H. B. 823.

To regulate the business of building and loan associations in this State; to prohibit such associations from hypothecating and transferring their securities, unless such privilege be granted by the general assembly; to require associations organized in other states and territories to deposit securities with the State treasurer in trust for their members and creditors, and prescribing how such securities shall be withdrawn, and requiring such association to pay a license of two hundred dollars per annum to the state auditor for the use of the State; defining premiums, fines and stock taken to represent premiums; requiring associations to pay taxes; to require from associations of other states and territories the same obligations, requirements and prohibitions that such other states and territories require of associations organized in this State and doing business in such other states or territories; defining "building and loan associations;" to require officers handling money to execute bond; not to apply to associations confining their business to one county; to prescribe a penalty for doing business before complying with this act; and providing for associations already doing business which do not desire to comply with this act; foreign associations have until 1st day of June, 1893, to comply with this act; when to go in effect.

SECTION 1. Be it enacted by the General Assembly of Alabama, That no building and loan association, shall pledge, hypothecate or transfer any note, bond, mortgage or securities which said association may obtain for money loaned or otherwise. But this section shall not apply to building and loan associations heretofore organized under the laws of this State.

SEC. 2. Be it farther enacted, That no building and loan association organized under the laws of any other state, territory or foreign government, shall do business in this State, unless said association shall deposit and continually thereafter keep deposited in trust for

all of its members and creditors, with some responsible trust company or the State treasurer, mortgages or other securities received by it in the usual course of its business amounting in actual value to the sum of fifty thousand ($50,000) dollars; Provided, that any such association as may desire may file with the State treasurer the certificate of the proper state officer of another state, or the president and treasurer of some responsible trust company or trustee, certifying that it has on deposit securities as herein required. All of the personal obligations of its members taken in the ordinary course of its business and secured by first mortgage on real estate, all dividends, interest and premiums which may accrue on securities held in trust as aforesaid, and all dues or monthly payments which may become payable on stock pledged as security for loans, the mortgage for which are on deposit as herein required, may be collected and retained by the association so depositing such securities or mortgages so long as such association remains solvent and faithfully performs all of its contracts with its members. Any securities on deposit as herein provided may from time to time be withdrawn if others of equal value be substituted therefor, but if such company is at the time of withdrawing such securities winding up its business in this State, then such company need only substitute for such securities so withdrawn other securities equal in value to the amount of such company's liabilities in the State at the time of such withdrawal. Every building and loan association organized in this State or any other state, territory or foreign government, shall pay as a license for doing business in this State the sum of two hundred ($200) dollars per annum in lieu of all other licenses and taxation, except as hereinafter provided, into the office of the State auditor, who shall deposit the same in the State treasury, for the use of the State.

Deposit with trust company or treasurer.

SEC. 3. Be it further enacted, That when by the laws of any other state, territory or foreign government, any taxes, fines, penalties, license fees, deposits of money or securities, or other obligations, require-

Same laws as govern on other States.

ments or prohibitions, are imposed upon building and loan associations of this State, doing business in such other state, territory or foreign government, or upon their agents therein, so long as such laws shall continue in force, the same obligations, requirements and prohibitions of whatever kind shall be imposed upon all building and loan associations of such other states, territories or foreign governments doing business in this State, and upon their agents here; Provided, that this section shall not apply to building and loan associations which have heretofore established branches or agencies in this state.

SEC. 4. Be it further enacted, That building and loan associations, as used in this act, shall include all corporations, societies or loan and investment companies, or all organizations or associations doing a saving and loan business upon the building and loan plan.

SEC. 5. Be it further enacted, That any premiums, fines or stock heretofore taken and hereafter taken to represent premiums for loans made by any building and loan association doing business in this State, shall not be treated as interest, nor render such association amenable to the laws relating thereto; but the said premiums, fines and stock taken to represent premiums, shall be collected as debts of like amount are now collected by law, and according to the terms and stipulations of the agreements or contract between the association and its members, and in case of any building and loan association which does not, under its methods, charge premiums of the borrower, it shall not be deemed usury that the payments shall be required monthly, when the contract on its face charges only 6 per cent. interest.

Premiums collected as debts

SEC. 6. Be it further enacted, That every building and loan association doing business in this State shall be assessed for and pay taxes upon its office fixtures and furniture, and all real estate acquired in the usual course of its business.

Taxation.

SEC. 7. Be it further enacted, That all the officers at the home office of any building and loan association governed by this act, and doing business in this State, who handle any of the funds of such associations, shall give sufficient bonds for the faithful performance of their duties as the board of directors may require, and no such

Bonds.

officer shall be deemed qualified to enter upon the discharge of the duties of his office until his bond is approved by the board of directors.

SEC. 8. Be it further enacted, That this act shall not apply to any building and loan association organized under the laws of this State which confines its loaning and business operations wholly to its county.

SEC. 9. Be it further ena ted, That any building and loan association doing business in this State without having first complied with the provisions of this act, shall be fined not less than one hundred (100) dollars, and not more than five hundred (500) dollars, to be recovered by an action in the name of the State, and on collection paid into the State treasury for the use of the State; Provided, that building and loan associations organized in other states and territories having heretofore transacted business in this State, and not desiring to comply with the provisions of this act. shall have the right to wind up their business and fulfill their contracts with citizens of this State through their authorized agents, without being subject to the penalties herein provided.

Penalties.

SEC. 10. Be it further enacted, That all building and loan associations organized in other states and territories and doing business in this State before the passage and approval of this act, shall have until the 1st day of Jane, 1893, to comply with the provisions of this act.

Limitation.

SEC. 11. Be it further enacted, That this act shall take effect and be in force immediately after its passage and approval.

SEC. 12. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved February 7, 1893.

No. 281.] AN ACT [s. 338.

To provide for holding terms of the circuit court of the tenth judicial circuit for the trials of civil causes at Bessemer, in and for the following portions of Jefferson county, to-wit: Williams' precinct No. 1, Jonesborough precinct No. 2, Parsons' precinct No. 3, Aarons' precinct No. 4, Short Creek precinct No. 5, Meeks' precinct No. 24, Toadvine precinct No. 27, Bessemer precinct No. 33, Gwinn's precinct No. 35, Huey's precinct No. 40, and a certain designated part of Bethlehem precinct No. 7, as said precincts are at present constituted, and to regulate the holding of said court. Places designated

SECTION 1. Be it enacted by the General Assembly of Alabama, That there shall be held in each year two terms of the circuit court of the tenth judicial circuit for the trial of civil causes at the city of Bessemer in and for the particular territory hereinafter described, in Jefferson county, Alabama, said court to be presided over by the judge of the tenth judicial circuit of Alabama. Each of said terms shall continue for four weeks, or as much thereof as may be necessary to transact the business on the dockets of said court held at Bessemer, Alabama, and the judge of the said circuit court shall designate the time of holding each of said terms at least two weeks prior to the holding thereof, and such time for each term shall be taken by him from the time now allowed by law for the holding of the circuit court in Jefferson county, at Birmingham, Alabama, and the said judge shall have the power to adjourn the holding of his said court at Birmingham, Alabama, during the term time he shall designate for the holding of the said court at Bessemer, Alabama. At Bessemer.

SEC. 2. Be it further enacted, That the said circuit court, holding as above provided, shall have, exercise and possess all of the jurisdiction and powers which are now, or which may hereafter be conferred by law in the several circuit courts of this State, which said jurisdiction and power shall be exclusive in, limited to, and extend over that portion of the territory of the county of Jefferson, which is included in the following precincts, to-wit: Williams' precinct No. 1, Jonesborough precinct No. 2, Jurisdiction of court.

Parsons' precinct No. 3, Aarons' precinct No. 4, Short Greek precinct No. 5, Meeks' precinct No. 24, Toadvine pre-einct No. 27, Bessemer precinct No. 33, Gwinn's precinct No. 35, Huey's precinct No. 40. All that part of Bethlehem beat laying south of township seventeen (17), range four (4) west, and west of township eighteen (18), range three (3) west, except sections one, two, eleven and twelve in township eighteen (18), range four (4) west, as said precincts are at present constituted, and that from and over the above mentioned and described territory all jurisdiction and power exercised therein at the time of the passage of this act by the circuit court of Jefferson county, as now held at Birmingham, and the common law jurisdiction and power of the city court of Birmingham is hereby expressly excluded.

Laws and rules governing court.

SEC. 3. Be it further enacted, That all laws, general and special, now in force regulating and governing the circuit court as the same is held in the city of Birmingham, in and for the county of Jefferson, and all rules of practice, whether existing by statute, or which may be promulgated by the judge of the tenth judicial circuit, shall be of force and govern in and apply to the circuit court to be held as hereinabove provided, but this shall not be construed as prohibiting the said judge, under any power now conferred on him, from promulgating other rules governing the practice and procedure in and for the said court.

Court room at Bessemer.

SEC. 4. Be it further enacted, That the court of county commissioners of Jefferson county shall provide a suitable court room in which to hold the said circuit court in Bessemer, and they shall make all other necessary arrangements and provide suitable offices for the use of all officers connected with said court, and to provide for the payment of the rent and other expenses.

Clerk.

SEC. 5. Be it further enacted, That the clerk of the circuit court of Jefferson county shall be ex-officio clerk of the circuit court herein provided to be held at Bessemer, in said county; that the said clerk shall keep in his office in the city of Bessemer all the necessary dockets and records, together with all papers connected with the litigation before said court; that the said clerk shall attend the said court in person or by deputy; that the deputy so appointed hereunder shall have and exercise all of the powers and perform all of the duties which

are now or may hereafter be enjoined upon the various clerks of the circuit courts in this State; and that the said deputy so appointed hereunder shall enter into a bond, with a penalty of $2,000, payable to the State of Alabama, and conditioned faithfully to discharge the duties of his office during the time that he may continue therein, or may discharge any of the duties thereof, which bond must be approved by the clerk under whom he acts, said bond to be kept in the custody of the county treasurer of Jefferson county; and that any person who may be injured by any act or omission of the said deputy may proceed against the sureties of the said deputy, but if the party injured proceeds against the circuit clerk by whom the deputy causing the injury was appointed, then the bond hereinabove provided shall be held and considered as a bond of indemnity to the said clerk under whom the said deputy acts.

Deputy clerk.

SEC. 6. Be it further enacted, That the sheriff of Jefferson county shall be in person or by deputy required to attend the said court, to preserve order in and execute and return its process, and to perform such other duties in all respects as in the various circuit courts in this State; and he shall furnish all other such subordinate officers as may be necessary to expedite the business of said court, the same as he is now required to do under the laws governing him as an officer of the circuit court of this State; that the said sheriff shall be required to have an office in the said city of Bessemer, and to appoint a deputy sheriff, who shall reside within the territory mentioned in this act.

Sheriff to attend.

SEC. 7. Be it further enacted, In all cases where appeals shall lie to the circuit court, or court of like jurisdiction in Jefferson county, from decisions rendered by justices of the peace and notaries public exercising like jurisdiction, all such appeals from and after the passage of this act shall lie and be returnable to the circuit to be held at Bessemer as herein provided for, and in all cases where any process shall issue from the courts of such officers returnable to the circuit court, or court of like jurisdiction, the same shall be returnable to the said circuit court sitting at Bessemer, Alabama.

Appeals.

SEC. 8. Be it further enacted, That all persons liable to jury duty, residing in the territory herein described, and whose names are now included in the jury lists or

Jurors.

boxes for Jefferson county, shall be removed therefrom and placed in a separate box for the Bessemer division of the circuit court of Jefferson county, which said box, when not in use by the county commissioners in their annual drawing of the jurors for the said circuit court, shall be safely kept by the clerk at some place in Bessemer, Alabama, the key of said box to be in possesion of the circuit judge; that for the year 1893 the circuit judge shall order, at least four weeks prior to each term, and for each term, the court of county commissioners of Jefferson county to draw, under the existing laws for drawing jurors in said county, such petit jurors for each term of said court during said year as to said judge may seem proper; that for all terms of the said court after the said year of 1883, all jurors and juries therefor shall be drawn as jurors are now required to be drawn for the said county of Jefferson; and that all of the inhabitants, residents of the precinct hereinabove mentioned, and liable to jury duty, shall be exempt from all duty as jurors in the various courts of Jefferson county, whose jurisdiction are, by the provisions of this act, excluded from the above described territory.

Transfer of causes.

SEC. 9. Be it further enacted, That all common law causes now pending in the city court of Birmingham, or in the circuit court of Jefferson county, in which the defendant or defendants shall reside in the territory herein described, and which shall be undetermined on the first Monday in March, 1893, shall be transferred from the dockets of the said courts to the proper dockets of the court herein provided for, and all such cases shall stand for trial at the first term of said court; and that the several clerks of the above mentioned courts in the matter of the transfer of the said court, shall be governed by existing statutory provisions governing the transfer of cases from one court to another in said State.

Return of process.

SEC. 10. Be it further enacted, That all summons or other process issued under the provisions of this act shall be returnable to the circuit court at Bessemer, Alabama, and it shall be so designated in said summons or other process.

SEC. 11. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 21, 1893.

No. 282.] AN ACT

To amend Section 1 of an act entitled an act to establish a new charter for the town of Carrollton, approved February 18, 1891.

SEC. 1. Be it enacted by the General Assembly of Alabama, That Section 1 of an act entitled an act to establish a new charter for the town of Carrollton, approved February 18, 1891, be amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That the town of Carrollton, in Pickens county, be, and the same is, hereby incorporated, and the corporate limits of said town shall be 730 yards equidistant north, south, east and west from the center of the court house of said county, and east of that limit along the turnpike road 109 yards on either side, so as to include "Crescent Park Spring," and the "Rock Spring" southwest of said "Crescent Park Spring," and it shall be the duty of the corporate authorities of said town to keep the said springs open and accessible to the public at all times. Corporate limits.

Approved February 18, 1893.

No. 283.] AN ACT [s. 451.

To amend section thirty (30) of an act entitled an act to establish a new charter for the city of Huntsville, approved December 12, 1888.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section thirty (30) of an act entitled an act to establish a new charter for the city of Huntsville, approved December 12, 1888, be, and the same is, hereby amended so as to read as follows: Section 30. That all taxes assessed or le vied in pursuance of the authority conferred by this act, shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the property assessed and on all other property within the corporate limits, owned by the party against whom the same are assessed or levied; and if said taxes so assessed or levied are not paid within five days after the same Levy and collection of taxes

are declared delinquent, the person appointed to collect said taxes shall have the right to issue distress warrants and alias and planes distress warrants in the name of, and in such form as may be adopted by the mayor and aldermen of the city of Huntsville, to enforce collections, and the same may be executed by the city marshal or any constable or sheriff, and it shall be the duty of the person appointed to collect such taxes to see that the personal property of the party against whom such taxes are assessed or levied is first exhausted. But if there is a return of null a bona on said distress warrant, or if the personal property be not sufficient to pay the taxes assessed against an individual, or if said taxes be assessed to an "owner unknown," then the taxes assessed against the real estate belonging to such individual or owner unknown, as well as any balance due upon personal property, shall be and remain a lien upon such real estate until the same are paid. Such lien may be enforced in a court of equity like as other liens on real property are enforced therein, and said real estate shall be therein condemned and sold to satisfy the amount of the taxes found due. And in such case, a certificate from the person appointed by the mayor and aldermen to collect taxes, that such taxes are due and unpaid, and that all of the proceedings have been regular, and that the requirements of the law have been complied with in reference to the levy and assessment of the taxes, made under oath and in such form as the board may prescribe, shall be prima facie evidence of the facts therein stated.

Approved February 18, 1893.

No. 284] AN ACT [s. 353.

To authorize the governor to appoint trustees of the Agricultural and Mechanical College for the 7th and 9th Congressional districts.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the governor of the State be authorized to appoint trustees of the Agricultural and Mechanical College for the 7th and 9th Congressional districts of this State in the manner now provided by law.

Approved Feb. 18, 1893.

No. 285.] AN ACT [s. 219.

To ratify and confirm the charter of the Progress Electric Light and Motor Company, and the powers and franchises granted to it by the city of Mobile,

Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organization of the Progress Electric Light and Motor Company, heretofore effected by and under proceedings had in the probate court of Mobile county, in this State, under the general laws thereof, for the purpose of furnishing electric lights to the city of Mobile, and also electric light and electric power to the inhabitants thereof, and all acts of said association thereunder, and done and performed as an electric light and motor company, be, and the same is, hereby in all things ratified and confirmed.

Incorporation confirmed.

SEC. 2. Be it further enacted, That all the rights, powers, privileges and franchises heretofore granted by the municipal authorities of the city of Mobile to said company to erect poles and string wires thereon in the streets of said city for furnishing electric lights and electric power to said city and the inhabitants thereof, and all acts and things done thereunder, be, and the same is, hereby in all things ratified and confirmed.

Powers confirmed.

SEC. 3. Be it further enacted, That the rights, conferred under this act are subject to any charter tax required by any law passed at the present session of the general assembly.

Approved Feb. 18, 1893.

No. 286.] AN ACT [s. 212.

To allow the sale or giving away of vinous, spirituous or malt liquors in the town of Dayton, Marengo county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act it shall be lawful to sell or give away vinous, spiritu-

ous or malt liquors within the corporate limits of the town of Dayton, Marengo county, upon comp ance with the revenue laws of the State.

SEC. 2. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 18, 1893.

No. 287.] AN ACT [s. 359.

To authorize the board of revenue and road commissioners of Mobile county to purchase a lot of land in the city of Mobile for the use of Mobile co

Section 1. Be it enacted by the General Assembly or Alabama, That the board of revenue and road commissioners of Mobile county be, and they are, hereby authorized and empowered to purchase for the county of Mobile that lot of land in the city of Mobile lying immediately south of the county court house, and known as the old "City Hotel," provided they can procure a valid title to the same, at a cost not exceeding ten thousand dollars.

Approved February 18, 1893.

No. 288.] AN ACT [s. 337.

For the relief of Ormond Somerville, an attorney of Tuscaloosa county, to compensate him for special services rendered to the State.

Whereas, Ormond Somerville Esq., an attorney at law of Tuscaloosa county, was on the 14th day of November, 1892, in the absence of the regular circuit solicitor, appointed by Hon. S. H. Sprott, judge of the 6th judicial circuit, and judge presiding at the fall

Preamble.

term 1892, of the circuit court of Tuscaloosa county, to act as special solicitor for the State at said term of said court, and Whereas, the term of the outgoing

solicitor expired on the 16th day of November 1892, and the term of the incoming solicitor did not begin until the issuance to him of his commission on the 25th day of November, 1892, thereby causing a vacancy in the office of solicitor for the 6th judicial circuit from the 16th to the 25th day of November, 1892;

And, Whereas, the said Ormond Somerville performed all the duties pertaining to the said office during the time aforesaid by attendance upon the grand jury and otherwise, at said term of said court; and, Whereas, no fees were, nor could have been earned during said term of service, and the statutes provide for compensation to special solicitors only the fees earned by them; therefore,

SECTION. 1. Be it enacted by the General Assembly of Alabama, That the auditor is hereby authorized and required to draw his warrant on the State treasurer in favor of Ormond Somerville for the sum of $72.-00 the amount of solicitors salary accrued during the time of said vacancy and said term of service by Ormond Somerville as special solicitor, and the treasurer is hereby required to pay such warrant out of any moneys in the treasury not otherwise appropriated. Amount.

Approved Feb. 11, 1893.

No. 289.] AN ACT [H. B. 1097.

To amend section 4840 of the code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 4840 of the code be amended so as to read as follows:- Section 4840. Duty of attorney general and solicitors. It shall be the duty of the attorney general to institute proceedings under this chapter and prosecute the same against any officer included in section two, article seven of the constitution, when the supreme court shall so order, or when the governor, in writing, shall direct the same, or when it appears from the report of any grand jury that any

such officer ought to be removed from office, for any cause mentioned in the first section of this chapter, and it shall be the duty of the solicitor of the circuit to institute proceedings under this chapter and prosecute the same against any officer included in section three, article seven of the constitution, when the circuit, city or criminal court of the county shall so order, or when the governor in writing, shall direct the same, or whenever it appears from the report of the grand jury that any such officer ought to be removed from office for any cause mentioned in the first section of this chapter.

Approved Feb. 18th, 1893.

No. 290.] AN ACT [H. B. 354.

To repeal an act entitled an act "To fix the compensation of the tax assessor of Mobile county," approved Feb. 28, 1887, and to repeal as well an act approved Feb. 25, 1889, entitled an act, To amend section one of an act entitled "An Act to fix the compensation of the tax assessor of Mobile county, approved Feb. 28, 1887.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to fix the compensation of the tax assessor of Mobile county, approved February 28, 1887, be, and the same is hereby repealed.

SEC. 2. Be it further enacted, That an act approved Feb. 25, 1889, entitled an act to amend section one of an act entitled an act, To fix the compensation of the tax assessor of Mobile county, approved Feb. 28, 1887, be, and the same is hereby repealed.

Approved Feb. 18, 1893.

No. 291.] AN ACT [H. B. 495.

To require solicitors to make certain reports to the attorney general.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the several solicitors, within ten days after the adjournment of each term of their respective courts, to make and certify in writing, to the attorney general, on blanks to be furnished by the State, a report in writing, stating as to each character of criminal cases, the number of cases disposed of at such term, the number of convictions, the number of acquittals, the number of nolls prosequies entered, the number which were abated or withdrawn, the number of sentences to death, the number of sentences to the penitentiary, the number of sentences to hard labor for the county, the number of sentences to jail, the number of fines paid or secured, the number of cases appealed, and the totals under each head above mentioned; also the number of cases then pending on the docket. Reports.

SEC. 2. Be it further enacted, That any solicitor or other person acting as solicitor, who shall fail to make full report as and within the time required by section one of this act, shall forfeit to the State of Alabama, the sum of two hundred dollars, unless he shall show a good and sufficient excuse for such failure, to be recovered on motion of the attorney general in the circuit or city court of Montgomery county, on ten days notice of such motion. And if such solicitor be paid a salary by the State, said judgment and the costs thereof may be certified to the auditor, and the amount thereof retained out of the salary of such solicitor. Penalty.

Approved Feb. 18th, 1893.

No. 292.] AN ACT [H. B.621.

To establish and define the boundary line of Oak Grove, a separate school district in the county of Pike.

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district to be made and established in Pike county, embracing that portion of territory in township nine, lying east of Walnut Creek in range twenty-one, and west of Floyd's Mill Creek, or Little White Water, and White Water Creek, in sections 1, 2, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 35, and 36, in township nine, range 21, sections, 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, and 31, township 9, range 22, said separate school district, as described, to be known as Oak Grove School District of Pike county,

Approved Feb. 18, 1893.

No. 293.] AN ACT [H. 634.

To incorporate the Jasper Electric Light and Power Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That L. B. Musgrove, J. C. Musgrove and
Corporators. E. W. Coleman all of Walker county, Ala., and such other persons as they may associate with them, their successors and assigns, be and they are hereby created and constituted a body politic and corporate, under the name and style of the Jasper Electric light and power company, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, and may have and use the common seal, which they may alter and renew at pleasure, and may enact and execute such by-laws, rules and regulations for the government and management of the affairs of the company, as they may deem expedient, and may elect

or appoint such officers or agents as they may deem necessary.

SEC. 2. Be it further enacted, That the objects and the business of said company shall be to establish gas, electric plants within the limits of the city of Jasper, in Walker county, Alabama, and to send and distribute gas and electricity through said city of Jasper, and over and along and through the streets, avenues, and other thorough-fares of said city, and said Jasper electric light and power company shall be empowered to build and construct street railways over and along and through the streets, avenues and other thorough-fares of said city of Jasper, by and with the consent of the city authorities first obtained before said line or lines are constructed in the corporate limits of said city. Objects.

SEC. 3. Be it further enacted, That the said company is authorized and empowered to use horses, mules, steam, electricity or any other power now known, or that may at any future time become known, or any combination of said powers, any or either of them, to transport their cars, or any part of any or all the lines of their road or roads. Power.

SEC. 4. Be it further enacted, That to the end that said Jasper electric light and power company may carry out its object and business, said corporation may purchase, hold, own, sell and lease real estate within the county of Walker, and also other property of whatever description that may be necessary and expedient for the carrying out of the business of the company, and also to that end, and for that purpose, the said company is hereby authorized and by its officers and persons in its employment to enter upon and survey and mark out or layout any lands in said city of Jasper, between the place or places from and to which gas and electricity for the purposes aforesaid are to be drawn, or said street railways are to be built or constructed, the electric poles and lines are to be erected and the place or plans for the distribution thereof, for the routes and courses thereof, to erect poles and stretch wires for lights or electric power; to dig, construct, lay or make Own and dispose of real estate.

any canal, ditch, pipes or tubes of any material or size for either gas or electric lights that said company may deem best for conducting of such gas or electricity from place to place in said city, and from time to time, to enter upon and dig and work upon said lands along the aforesaid route or course for the purpose of setting, resetting, laying, relaying, examining, repairing, altering or amending such poles, wires, pipes or tubes by and with the consent of the owners of such lands; and if the owner of such land cannot agree with said com-

Rights of way. pany for such right of way or leasement, then the said company may and it is hereby authorized to condemn such right by a proceeding or proceedings had and conducted in accordance with the law now governing ad quod damnum proceedings.

SEC. 5. Be it further enacted, That the capital stock of said company shall be divided into shares of one

Capital stock. hundred dollars each, amounting to fifty thousand dollars, to be increased by the issuance of additional shares to an amount not to exceed one million dollars, as the business of the company may require, and at the option of a majority in value of the stockholders, said stock may be paid either in money, property or labor to be specified in the subscription.

SEC. 6. Be it further enacted, That the corporators herein named, after giving such notice of the time and place as they may deem sufficient, may open books of subscription to the capital stock of the company, and

Organization. when one half of the amount of the capital stock of the company shall have been subscribed for by bona fide subscribers and twenty-five per cent. of the amount so subscribed paid in, the corporators may call the subscribers together by such notice as they may direct for the purpose of organization, and a majority in value of the stock so subscribed being present, either in parson or by proxy, they shall proceed to the organization of the company by the stockholders electing from among their number not less than five nor more than nine directors to manage the affairs and business of the company until, the next annual election, provided for by the by-laws, and until their successors are elected and

qualified; and such board shall elect a president and a secretary, and such other officers as the by-laws of the company may provide for. The corporators shall turn over to such board of directors all moneys, papers books and property belonging to the company.

SEC. 7. Be it further enacted, That said company may put gas and electricity to all such uses in the city of Jasper or vicinity as modern science and invention may warrant, and by a majority in value vote of all the stockholders in person or by proxy, the company may borrow money to carry into effect the objects and provisions of this charter, and to issue its bonds on such amount as a majority in value of the stockholders may direct and to secure their payment by a mortgage on the company's property and franchises. May issue bonds.

SEC. 8. Be it further enacted, That the principal place of business of said company shall be in Jasper, Alabama. Place of business.

SEC. 9. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are, hereby repealed.

Approved Feb. 18, 1893.

No. 294.] AN ACT [H. B. 745

To establish a separate school district in Bibb county, Alabama, and fix the boundaries of same.

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district be established to be known as James school district in Bibb county, to be subject to the laws of the State of Alabama, out of the following parts of the following townships: All of township 22, range 8 east, east of Affonee creek; all of township 22, range 9, west of the Cahaba river; all of township 23, range 9 east, west of Haysoppe creek, and sections 25, 26, 35, and 36 of township 23, range 8 east. District established.

SEC. 2. Be it further enacted, That the said separate school district, shall receive its proportionate share of the public, school revenue, of said townships, including a pro- Funds.

rata share of the sixteenth section funds, and shall also receive all the tax collected as poll tax within the limits of the territory set forth in the first section of this bill.

Approved February 18, 1893.

No. 295.] AN ACT [H. B. 866

To authorize the consolidation of street railway and electric light or gas companies.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any two or more street railways and electric light or gas companies may unite and consolidate their capital stock, property and business in the manner hereinafter provided.

Recommendation of directors.

SEC. 2. Be it further enacted, That such consolidation shall be made on the recommendation of the board of directors of each of the corporations proposed to be consolidated, when adopted by a vote of the persons holding the larger amount in value of the capital stock of each corporation. Such recommendation shall be submitted in writing by the board of directors to the meeting of stockholders and with the vote of the stockholders thereon shall be entered on the minutes.

Agreement in writing.

SEC. 3. Be it further enacted, That when a propo for consolidation has been thus adopted, the consolidation shall be carried out by an agreement in writing, sealed with the corporate seals, and signed by the presidents of the contracting corporations, reciting that such agreement is made with the consent of the stockholders of each of the corporations, given as provided above, and stating the terms and conditions of such consolidation. This agreement must be recorded in the office of the judge of probate of the county in which such corporations are located, or if they be located in different counties, in the office of the judge of probate in each county, and upon the filing of such agreement as above provided, the consolidation is complete.

Name.

SEC. 4. Be it further enacted, That on such consolidation, the parties may by their agreement of consolidation, adopt the name and charter of either corporation as the name and charter of the consolidated corporation,

and may make such changes and provisions as to the amount of stock and the number of directors of the consolidated corporation as they may think proper.

SEC. 5. Be it further enacted, That the corporation so formed by consolidation, shall be entitled to all the property and rights of each of the corporations so uniting, and liable to the debts and obligations of each of them. Suits pending for or against either of such original corporations, at the time of consolidation are not abated, and shall not be delayed thereby, but shall proceed in the name of the consolidated corporation. Rights.

SEC. 6. Be it further enacted, That such consolidated corporation shall be entitled to all the rights and privileges which such corporation would be entitled to under the laws of the State of Alabama as now in existence regulating street railways, electric light or gas companies.

SEC. 7. Be it further enacted, That the provisions of this act shall apply to any and all corporations operating street railways, although such corporations may have authority to consolidate with electric light or gas companies by virtue of special provisions in the charter of such corporations. Application of act.

Approved Feb. 18, 1893.

No. 296.] AN ACT [H. B. 411

To prohibit the killing of turkey and deer in beat No. 5, of Winston county, Alabama, between the dates of April 15th and September 15th, inclusive.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person to kill any wild deer or wild turkey in beat number five, of Winston county, Alabama, between the dates of April 15 and September 15, inclusive.

SEC. 2. Be it further enacted, That any person who violates the provisions of the preceding section shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than one hundred dollars.

Approved February 15, 1893.

No. 297.] AN ACT [H. B. 41

For the relief of I. P. Gibson, tax collector of Winston county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the sum of one hundred and twenty-four and 50-100 dollars be, and the same is hereby appro
Amount. priated for the relief of I. P. Gibson, tax assessor of Winston county, Alabama, as compensation for the re-assessment of the taxes and the substitution of the tax books of said county, for the year 1891, the original tax books and assessment lists having been burnt with the court house of said county on the night of the 5th of August, 1891.

SEC. 2. Be it further enacted, That the amount of
Warrant of auditor. money named in the foregoing section shall be paid out of any funds in the treasury not otherwise appropriated, and that the State auditor be, and he is hereby authorized and required to draw his warrant on the treasurer for the amount named in section one of this act.

SEC. 3. Be it further enacted, That the court of county
Amount paid by county. commissioners of said county be, and are hereby authorized to pay to said I. P. Gibson, the sum of one hundred and twenty-four dollars and fifty cents out of any funds that are in the treasury of said county, or cause to be paid by the treasurer of said county.

Approved Feb. 20, 1893.

No. 298.] AN ACT [H.B. 55.

For the relief of Leonard Lewis, of Marshall county.

WHEREAS, On the llth day of January, 1892, Leon-
reamble. ard Lewis, of Marshall county, paid to the State of Alabama the sum of one hundred and twenty-five dollars for a license to engage in the business of a retailer of malt, spirituous and vinous liquors, at North Alabama, during the year 1892; and

WHEREAS, On the 22nd day of April, 1892, said license was adjudged by the circuit court of Marshall county to be null and void, thus depriving said Leon-

ard Lewis of the benefit of his said license for nine months of said year,

Section 1. Be it enacted by the General Assembly of Alabama, That the sum of ninety-three dollars and seventy-five cents of said license money be refunded to the said Leonard Lewis, and the auditor is hereby authorized and directed to draw his warrant on the treasurer of this State in favor of said Leonard Lewis for said sum of ninety-three dollars and seventy-five cents, to be paid out of any funds in the treasury not otherwise appropriated. Amount.

SEC. 2. Be it further enacted, That the solicitor's fee of fifty dollars, paid by said Leonard Lewis, in pursuance of a judgment of conviction rendered against him in the circuit court of Marshall county on a charge of selling liquor without license and contrary to law, be, and the same is, refunded to him, and to this end, the clerk of said circuit court, or other officer having said fee in his hands, if such fee has been paid by said Leonard, is hereby authorized and directed to repay the same to said Lewis, taking his receipt therefor and filing the same with the auditor, whereupon the auditor shall enter up the proper credit to said clerk for said sum. Solicitor's fee.

Approved Feb. 21, 1893.

No. 299.] AN ACT [H. B. 206.

To regulate the practice in the circuit court of Choctaw county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the board of jury commissioners of Choctaw county shall draw juries for the first and second weeks of said court and deliver the same to the clerk of said court as now provided by law. Drawing juries.

SEC. 2. Be it further enacted, That said clerk shall deliver to the sheriff of said county a list of the jurors drawn for the first week of said court, to be summoned by said sheriff as now provided by law, and retain the list of jurors drawn for the second week, subject to the order of the judge of said court. Jurors for first week.

SEC. 3. Be it further enacted, That if said judge shall deem it necessary at any time of the first week of said court, he shall order said clerk to deliver to said sheriff a list of the jurors drawn for said second week, and the said sheriff shall summon said jurors for said second week to be and appear at said court on the first day of the second week of said court.

For second week.

SEC. 4. Be it further enacted, That Monday and Tuesday of the first week of said court shall be the days for trial of the cases on the civil docket of said court. Provided, if there are any cases thereon untried, the judge may resume the trial thereof after the cases on the criminal docket are disposed of.

Civil docket.

SEC. 5. Be it further enacted, That the criminal docket of said court shall be taken up on Wednesday of the first week of said court, and the trial of the cases thereon shall be proceeded with till the cases are disposed of.

Pleadings.

SEC. 6. Be it further enacted, That the defendant shall plead or demur to the complaint by 12 o'clock m. of Tuesday of the first week of the court.

SEC. 7. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved February 14, 1893.

No. 300.] AN ACT [H. B. 231

To enforce the provisions of the law authorizing a levy of execution and attachment upon the shares of stock held by any person in any corporation of this State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever any sheriff or other officer having an execution or attachment in his hands against any person, makes demand of the custodian of the books of any corporation, it shall be the duty of any such custodian, upon such officer exhibiting his process to him, and furnishing him with a copy thereof, if demanded, to furnish such officer a statement, signed by him in his official capacity, of the number of shares or amount

Statement furnished officer.

of interest held by such person in such corporation, and also a statement of all liens, mortgages or hypothecations of such stock, and the amount thereof, as shown on the books of such corporation; and if such sustodian of such books neglects or refuses to furnish the statement, or if he shall wilfully give a false statement thereof, he shall be liable to the plaintiff or other person purchasing such stock, as the one or the other may be damaged, for double the amount of damages occasioned by such neglect, refusal or false statement.

SEC. 2. Be it further enacted, That every corporation incorporated under any law of this State, general or special, shall keep in this State, in the hands of some officer, books showing who are the holders of stock therein, and all transfers, hypothecations, liens or mortgages of such stock must be entered upon said book within fifteen days after the same shall have been made, or created, or the same shall be void against the lien of such attachments and executions, unless the plaintiff therein had notice of such transfer, liens, hypothecations or mortgages prior to the levy of such attachment or execution. Record books.

Approved Feb. 18, 1893.

No. 301.] AN ACT [H. B. 233.

To provide for publication and proceedings against defendants whose names are unknown, in proceedings for partition.

Section 1. Be it enacted by the General Assembly of Alabama, That in cases when it is necessary to make any persons defendants to a bill in chancery or a petition in the probate court, filed for the partition of property, and the names of all or any of such persons are unknown to the complainant or petitioner, and can not be ascertained on diligent inquiry, if the said complainant or petitioner annexes to his bill or petition an affidavit, setting forth that the names of such persons are unknown, that he has made diligent inquiry to ascertain the same, and that their residence,

as he believes, is not in this State, proceedings may be had and a decree rendered against them without naming them, and the register, or judge of probate, as the case may be, must make publication as in the cases of non-resident, describing such unknown parties as near as may be by the character in which they are sued with reference to their title or interest in the property sought to be partitioned.

Shares paid into court.

SEC. 2. Be it further enacted, That the share or interest of such party in the proceeds of any such sale shall be paid into court under such directions as may be ordered by the court, and shall there be retained to be paid out to the proper parties when ascertained.

Approved February 18, 1893.

No. 302.] AN ACT [H. B. 268.

To require all corporations to pay a fee or license for the use of the State before commencing business in this State.

Section 1. Be it enacted by the General Assembly of Alabama, That hereafter, before any commission shall be issued to any corporation organized under the general incorporation laws of this State, authorizing such corporation to do business, the parties to whom the same is issued, shall pay to the judge of probate, or other officer issuing the same, the following fees for the use of the State:- Where the proposed capital stock of such corporation does not exceed fifty thousand dollars, a fee of twenty-five ($25.) dollars. Where it exceeds fifty thousand dollars, but does not exceed one hundred thousand a fee of fifty ($50.) dollars. Where it exceeds one hundred thousand dollars, but does not exceed two hundred and fifty thousand a fee of seventy-five ($75.) dollars. Where it exceeds two hundred and fifty thousand dollars, but does not exceed five hundred thousand, a fee of one hundred ($100.) dollars. Where it exceeds five hundred thousand dollars, but does not exceed one million, a fee of

two hundred ($200.) dollars. Where such proposed capital stock exceeds one million dollars, two hundred and fifty ($250.) dollars.

SEC. 2. Be it further enacted, That all fees so paid shall be paid by the officer receiving the same into the State treasury, in the same manner as licenses and other fees belonging to the State are now required to be paid by such officer. To whom paid

SEC. 3. Be it further enacted, That before any bill for the creation of any corporation by any special act of the general assembly of this State shall be introduced, there shall be paid into the treasury of the State, by the parties seeking the same, double the amount of fees hereinabove required to be paid by corporations organized under the general incorporation law of the State; Provided, if such charter should not be granted by the legislature, the money so paid shall be refunded to the person paying the same. Special charters.

SEC. 4. Be it further enacted, That no corporation created by the laws of any other State, or of any foreign country, shall hereafter carry on any business in this State without first having paid into the treasury of this State, for the use of the State, like fees as those required of corporations organized under the general incorporation laws of this State, by the first section of this act. Foreign corporations.

SEC. 5. Be it further enacted, That all contracts made in this State, after the first day of July 1893, by any corporation which has not first complied with the provisions of this act, shall be wholly void. Contracts void

SEC. 6. Be it further enacted, That it is the intention of this act that the fee or license hereby required shall be paid once only, and that such payment does not relieve any corporation from the duty of complying with the requirements of existing laws.. Intent of act.

Approved Feb. 18th, 1893.

No. 303.] AN ACT [H. B. 289.

To regulate the taxation of insurance companies

Section 1. Be it enacted by the General Assembly of Alabama, That all insurance companies, whether chartered or organized under any of the laws of this State, or of any other state or country, doing business in this State, either as a fire, fire and marine, or inland insurance company, and every life insurance company doing business upon any plan, whether mutual, co-operative, assessment or otherwise, and every accident or guarantee company, and every other style or class of insurance company must, upon filing their annual state-
Amount of tax ment, required by law, pay to the State treasurer, upon the gross premiums received by them from their business, in this State, during the year ending on the 31st day of December next preceding, after deducting returned premiums on cancelled policies and losses actually paid during said year in the State, a tax of one per cent. and no credit of any kind shall be allowed or given, either as a reduction of taxes or of liabilities to any corporation transacting business in this State, for re-insurance made in corporations not authorized to issue policies of insurance in this State.

SEC. 2. Be it further enacted, That all property,
Where assess- real and personal, belonging to insurance companies
ed. doing business in this State, shall be assessed in the counties in which such property is situated for taxation at the same rate as other property.

SEC. 3. Be it further enacted, That sub-divisions 2 and 3 of section 454 of the code of 1886, in so far as they relate to the taxation of insurance companies, and all laws in conflict with the provisions of this act, be, and the same are hereby repealed.

SEC. 4. Be it further enacted, That when the facts
Forfeiture. can be established before a court of competent jurisdiction that the license tax or the amount of same has been added to the amount of the premium to be paid on fire or life policies, or that the rates of insurance has been raised, thereby imposing the payment of said

license tax upon the insured, in evasion of the spirit and purpose contemplated in the act, the company so offending shall forfeit to the State the sum of $500, to be recovered in the circuit or city court having jurisdiction, on motion of the solicitor after ten days notice.

Approved Feb. 20, 1893.

No. 304.] AN ACT [H. B. 1066.

To require express companies doing business in this State to pay a privilege tax to the State.

Section 1. Be it enacted by the General Assembly of Alabama, That each express company doing business between points wholly within this State, shall pay in advance, on the first day of January of each year, to the auditor, a privilege tax based on the mileage of railroad operated by it in this State, as follows:- Each company whose lines within the State, as aforesaid, do not exceed five hundred miles, shall pay at the rate of one dollar per mile. Each company whose lines within the State as aforesaid, exceed five hundred, but do not exceed one thousand miles shall pay one thousand dollars. Each company whose lines within the State as aforesaid, exceed one thousand but do not exceed two thousand miles, shall pay two thousand dollars. Each company whose lines within the State as aforesaid, exceed two thousand, but do not exceed three thousand miles, shall pay three thousand dollars. Each company whose lines within the State as aforesaid, exceed three thousand, but do not exceed four thousand miles, shall pay four thousand dollars, and each company whose lines within the State as aforesaid, exceed four thousand miles, shall pay five thousand dollars; and no express company which has paid the privilege tax hereby required, shall be liable to pay any additional privilege tax or other tax in this State, except upon its real estate, fixtures and other local property, which shall be subject to taxation as other property in

the State. The payment of said privilege tax to the auditor, shall be accompanied by a sworn report, showing the number of miles of railroad operated or run by the cars of such company within this State; and in default of the payment of said tax, and the making of said report for sixty days after the first day of January of each year, including the year 1893, a penalty of double the amount of said tax shall be imposed upon and collected of such defaulting company. But any express company which has heretofore paid to the State a privilege tax for the present year, shall, upon the payment of the tax levied by this act, be allowed credit for the amount heretofore paid as aforesaid.

Approved Feb. 18th, 1893.

No. 305.] AN ACT [H. B. 891.

To establish a separate school district to be known as the Oneonta School District, in Blount county.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, sections thirty six, in township twelve, range one, east, thirty one, in township twelve, range two, one, in township thirteen, range one, east, and six in township thirteen, range two, east, Blount county, Alabama, be, and the same is hereby created into a separate school district to be known as the Oneonta School District.

Boundaries.

SEC. 2. Be it further enacted, That the school officers of the State and county shall apportion to said district, all funds, to which the children residing within said district, shall be entitled, in the same manner as the funds are now apportioned to the various townships in Blount county, or may hereafter be apportioned under the laws then of force.

Funds of district.

SEC. 3. Be it further enacted, That the poll tax funds, arising from tax payers, who live within said district, shall be and constitute the poll tax fund, to which said district shall be entitled, and the officers,

Poll taxes.

whose duty it is to assess and collect said funds, shall make and keep the said funds separate, and report the same to the proper authority, in the same manner the poll tax funds of the various townships shall be kept.

SEC. 4. Be it further enacted, That there shall be the same number and character of school officers, for said school district, as provided by law for the various townships in Blount county, and it shall be the duty of the county superintendent of Blount county, Alabama, to appoint all the necessary officers for said district, until the next general election for the same, when the officers for said district, shall be elected or appointed in the same manner the various township officers are chosen. School officers

SEC. 6. Be it further enacted, That this act shall not go into effect until the first day of October, 1893.

Approved Feb. 18th, 1893.

No. 306.] AN ACT [H. B. 798

To establish an agricultural school and experiment station at Albertville, Alabama, Lebanon, Alabama, or Springville, Alabama, to be located by the governor, superintendent of education and commissioner of agriculture.

SECTION 1. Be it enacted by the General Assembly of Alabama, That a branch agricultural experiment station and agricultural school, to be Known as the North East Alabama Agricultural Experiment Station and Agricultural School are hereby established. School established.

SEC. 2. Be it further enacted, That the governor, superintendent of education and commissioner of agriculture shall locate said station and school at Albertville, Marshall county, Lebanon, DeKalb county, or Springville, St. Clair county, Alabama. Location.

SEC. 3. Be it further enacted, That the board of control of said station and school shall be composed of the commissioner of agriculture, and the director of the agricultural experiment station at Auburn, Alabama, and five progressive farmers who are actually engaged in cul- Board of control.

tivating lands in said district, the same to be appointed by the governor, three of whom must reside within ten miles of said station, the members of said board must not receive any compensation other than expenses actually incurred in visiting the station, and while there supervising the affairs.

Salary of directors.

SEC. 4. Be it further enacted, That the said board of control shall have power to pay the director a reasonable salary not to exceed the sum of two hundred and fifty dollars, and the said board of control shall also have power to elect the principal and teachers of said school, and manage said school and station, as in their judgment they think best.

Appropriation

SEC. 5. Be it further enacted, That for the equipment and improvement of said station and school there is hereby appropriated out of the funds of the agricultural department in the treasury not otherwise appropriated, the sum of twenty five hundred dollars annually, which sum shall be paid quarterly, to wit: first of January, first of April, first of July, and first of October, to the treasurer of said board of control at said station.

Purchase of lands.

SEC. 6. Be it further enacted, That the board of directors has authority to purchase suitable lands, not to exceed in quantity eighty acres for said station, taking title to the State, and construct thereon the necessary buildings and other improvements not expending more than two thousand dollars of the appropriation herein made for such station in making such purchases and in the construction of such buildings and improvements for said station and school. The board also has authority to appoint and discharge at pleasure such officers, agents and servants as are deemed necessary to the operation of the station under the superintendence and direction, and subject to the rules and regulations of the board.

Experiments.

SEC. 7. Be it further enacted, That the board must cause such experiments to be made at the station as will advance the interest of scientific agriculture, and to cause such chemical analyses to be made as are deemed necessary ; all such analyses, if required to be made under the supervision of the commissioner of agriculture, by the chemist of the agricultural department without charge.

Rules.

SEC 8. Be it further enacted, That said board of contrrol may adopt such rules and regulations as they

may deem necessary for the proper carrying out the provisions of this act.

This bill was vetoed by the governor, and passed both houses by the constitutional majority, February 21,1893.

No. 307.] AN ACT [H. B. 804.

To authorize and require the governor to commence and prosecute proceedings to vacate the charter of the Selma and Pensacola railroad, formerly known as the Selma and Gulf railroad, unless the owners or operators of said railroad shall complete the same within two years after the passage of this act.

Whereas, The Pensacola and Selma division of the Louisville and Nashville railroad was incorporated by the legislature of the State of Alabama under the name of the Selma and Gulf Railroad Company, January 20, 1858 ; and, whereas, said company was authorized to construct and operate a railroad from the city of Selma, in Dallas county, to a point on the line of the Alabama and Florida railroad, now a part of the Mobile and Montgomery railroad, at present operated by the Louisville and Nashville railroad company, and also to connect with the Mobile and Great Northern railroad, now a part of the Mobile and Montgomery railroad, or with the Mobile and Girard railroad, or with the Montgomery and Pensacola railroad, or any other railroad on the south and east side of the Alabama river; and, Preamble.

Whereas, Said company has constructed and is operating said railroad from the city of Selma in a southerly direction about forty miles to a point near the town of Pineapple, Wilcox county ; and,

Whereas, Said company has also constructed and is operating said railroad from Flomaton, on the Mobile and Montgomery railroad, in a northerly direction, about thirty miles, to Repton, in Conecuh county; and,

Whereas, There is an incompleted gap of about thirty miles in said railroad, between said Pineapple and Eepton; and,

Whereas, Said railroad has remained incompleted for twenty years or more; therefore,

SECTION 1. Be it enacted by the General Assembly of Alabama, That the owners or operators of said railroad, or said railroad company, be allowed two years from the passage of this act to complete said uncompleted gap between Pineapple and Repton.

Limitation.

SEC. 2. Be it further enacted, That if said railroad company, or the operators thereof, fail or refuse to complete said railroad in the time specified in section one of this act, the governor is hereby authorized and required to institute proceedings against said railroad company, or the operators thereof, to show cause why the rights, privileges and franchises granted in the original act of incorporation of said railroad shall not be forfeited.

Proceeding to be instituted.

Approved February 21, 1893.

No. 308.] AN ACT [H.B.859.

To amend sections 3 and 6 and 7 of an act entitled an act to change the name of Youngsville to that of Alexander City and incorporate the same, approved March 19, 1873.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the town of Youngsville, of the county of Tallapoosa, in this State, shall hereafter be called Alexander City, and that the present and future inhabitants of Alexander City, as by this act incorporated, shall be, and they are, by this act made and constituted a body corporate and politic under the name and style of the common council of Alexander City, under and by which name and style, and acting by and through the proper officers of said corporation hereafter to be designated, all the corporate powers and privileges of said Alexander City, by this act granted, shall be executed and carried into effect as required, and under its corporate name aforesaid, the said Alexander City corporation shall sue and be sued, plead and be impleaded answer and be answered unto, and may purchase, receive and hold, and sell, grant, alien, mortgage, assess or let property, real or personal, may have and use a

Name and government.

common seal, which may be changed at pleasure, and may do and perform all acts incident to such corporation not inconsistent with the laws of this State.

SEC. 2. Be it further enacted, That said Alexander city shall consist of and include all the tracts and parcels of land which are included in the following boundaries to-wit: All of the south west quarter of section 27, all of the northwest quarter of section thirty-four, all of the northeast quarter of section thirty-three, and all of the southeast quarter of section twenty-eight-each of said sections is located in township twenty, three, range twenty-one, in the county of Tallapoosa, and State of Alabama. Territory included.

SEC. 3. Be it further enacted, That section 3 be amended so as to read as follows: That the government of said incorporation shall be styled the common council of Alexander City, and shall consist of a chief officer to be styled the mayor of Alexander City, five councilmen and one marshal to be elected by the legal voters of said incorporation; the persons receiving the majority of the votes cast for the office of mayor shall be elected mayor, and the five persons receiving a like majority of votes cast shall be elected councilmen, and the person receiving the majority of said votes shall be elected marshal of said Alexander City. Every citizen of said Alexander City who would be a legal voter at an election for members of the legislature, and shall have been a resident of said incorporation for thirty days next preceding the election, will be a legal voter at such election for mayor, councilmen and marshal. Each of the above officers must be a bona fide resident citizen for twelve months next preceding his election, and before entering upon the duties of his office must take and subscribe the oath of office as required by civil officers in this state. Officers.

SEC. 4. Be it further enacted, That the said incorporation shall have power and authority to ordain and pass all such ordinances, by laws, resolutions and make all such regulations as may be by them deemed necessary for the good government of said incorporation, which may extend to the preservation of health, to General powers.

prevent and remove nuisances, to license, tax, restrain theatrical amusements, shows and museums of any
Ibid. kind whatsoever within said incorporation, to prohibit and restrain every species of gambling, drunkenness, profane language, assaults, assaults and batteries, to appoint a suitable number of police and night watches when deemed necessary, to clean and keep in repair the streets of said incorporation, and prohibit trespass upon the same, to make, open, widen, and change the streets thereof, to levy and collect a tax on all property, both real and personal within said corporation, not to exceed one-half of one per cent on the value thereof ; to grant license to retailers of spirituous and vinous liquors, to regulate and restrain them, when deemed a nuisance, to grant license to dealers in merchandise of what-soever kind, and auctioneers, which license and tax may be collected by restraint of goods or property at any time, and in general to pass and ordain all such ordinances as may be deemed necessary for the good government of said Alexander City, not contrary to the provisions of the constitution and laws of this State.

SEC. 5. Be it further enacted, That the mayor shall preside at all meetings of the common council and in case of his absence, a member of said common council may preside, whose duty it shall be to maintain order at such meetings, to put questions and announce the result, which mayor shall be invested with powers of a justice of the peace in Tallapoosa county, and shall be subject to the same pains and penalties, and
Duties and powers of mayor. liabilities, and shall try any and all offenders and violators of any ordinance or by laws adopted by said corporation in accordance with this charter, and pass judgment thereupon, the punishment of which shall be in no case more than ten days imprisonment in the calaboose, or hard labor upon the streets of said incorporation, and a fine of fifty dollars, one or both in said mayor's discretion, whose fees shall be the same as justices of the peace trying criminal cases, to be taxed as cost against the person convicted.

SEC. 6. Be it further enacted, That section six be

amended so as to read as follows: That on Tuesday, after the first Monday in April, 1893, and each year thereafter, there shall be elected one mayor, five councilmen and one marshal as provided for in section three of this act, and said mayor and councilmen may elect a clerk and treasurer from among their own number, or otherwise if deemed expedient; Provided further, that if a vacancy should occur at any time in the office of marshal from any cause whatsoever, the mayor and common council shall elect a marshal to fill such vacancy, who shall before entering upon the duties of such office give bond as hereafter provided for in this act. Elections. Vacancies.

SEC. 7. Be it further enacted, That section seven be so amended as to read as follows: That it shall be the duty of the sheriff of Tallapoosa county to give written notice posted, in writing at said Alexander City, that an election will be held in said incorporation for the election of mayor, live common councilmen and one marshal, on Tuesday after the first Monday in April, A. D. 1893, and appoint two inspectors and one returning officer thereof; and at least five days notice must be given preceding said election, and said election must be governed in all respects under and by the provisions of the election laws of this State, and said returning officer shall return to the sheriff of Tallapoosa county such ballot or election within forty-eight hours after such election, and it shall be the duty of said sheriff, forthwith, to make a legal count of the vote and declare the results, and certify the same to the person elected mayor, the five persons elected common councilmen and the person elected marshal. Notice of election. Declaration of elections.

SEC. 8. Be it further enacted, That the fiscal year of said incorporation shall commence on Tuesday after the first Monday in April of each year, and each and all officers before named shall hold and exercise the same for the term of one year, and until their successors are duly elected and qualified, and in case an election should not be held, as provided in the seventh section of this act, then the same may be held as herein provided at any time before Tuesday after the first Monday in April, 1894, and such officers may qualify and hold office for the unexpired term. Term of office.

SEC. 9. Be it further enacted, That after the first election and qualification of the several officers of said

incorporation, the said common council of Alexander City shall have power to provide, by ordinance or otherwise, the mode and manner of holding all subsequent elections within and for said incorporation, how and to whom the returns shall be made; also, shall provide by ordinance the manner and time of filling all vacancies; Provided, such ordinances do not conflict with the constitution and laws of this State.

Subsequent elections.

SEC. 10. Be it further enacted, That before the mayor and marshal of said incorporation shall enter upon the discharge of their duties, each shall enter into bond, with approved securities, in the penal sum of one thousand dollars, with conditions to faithfully discharge all duties imposed upon them, and payable to the common council of Alexander City, and to be approved by the probate judge of Tallapoosa county, and within thirty days thereafter be duly recorded in said probate judge's office.

Official bonds.

SEC. 11. Be it further enacted, That nothing herein contained shall be so construed as to allow said incorporation to hold and own property, both real and personal, exceeding in value ten thousand dollars, or to allow any officer thereof to perform the duties of his office without first taking and subscribing to the oath of office as now required of civil officers of this State.

Limitations.

SEC. 12. Be it further enacted, That the marshal of said incorporation shall be authorized and have power to make arrests of any person or persons violating any ordinances or by-laws of said incorporation, either with or without a warrant, and may call to his assistance any bystander or person or persons to aid him, and upon refusal such person or persons shall be guilty of a contempt, and upon conviction thereof may be fined by the mayor in a sum not exceeding fifty dollars," and imprisoned in the calaboose not exceeding five days, one or both, and the said marshal shall perform all such other duties as may be imposed upon him by ordinance or by-law of said incorporation, and said marshal shall be ex-officio constable within Tallapoosa county, subject to all pains and penalties and authority of a constable of this State, and shall receive for his services the same fees as are now allowed by the laws of this State to constables for like services, and may receive such other compensation as may be allowed by said incorporation, not to exceed five hundred dollars per annum; and the said marshal for failure to

Marshal.

discharge or perform any duty imposed upon him may be fined by the mayor for any such offense a sum not exceeding twenty-five dollars, to be deducted out of his salary; and in the absence of the marshal, the mayor may appoint a special marshal, whose acts shall be in all respects binding, and may require such special marshal to give bond as required by the marshal.

SEC. 13. Be it further enacted, That each street now opened, or that may be hereafter opened, shall be under the supervision of said incorporation, and that each and every person residing within the limits of said incorporation, who may be subject to road duty in this State, shall be subject to work on the public highways and streets within said incorporation, and these only, but any person not wishing to so work upon said highways and streets may be released therefrom by paying to said incorporation one dollar for each day's labor required of him, but nothing herein contained shall authorize said incorporation to open any new street through any person's lot or land without owner's consent, or without making first compensation therefor. Street work.

SEC. 14. Be it further enacted, That in case of the absence of the mayor, or in case of his protracted sickness, either one of the common councilmen may act and perform all the duties that may be imposed upon said mayor. Mayor pro tem.

SEC. 15. Be it further enacted, That a majority of said common councilmen are necessary to constitute a quorum to transact any business. Quorum.

SEC. 16 Be it further enacted, That an act to change the name of Youngsville to that of Alexander City, and incorporate the same, approved March l9th, 1873, and all laws and parts of laws in conflict with this act, be, and the same are, hereby repealed.

Approved February 18, 1893.

No. 309.] AN ACT [s. 594

To appropriate the two and three per cent. funds in the treasury of Alabama, and such sums as may accrue in the next two years from such source.

Section 1. Be it enacted by the General Assembly of Alabama, That the sum of four hundred and ten dollars and seventy-eight cents ($410.78) of the two and three per cent. funds now in the treasury is hereby appropriated to reimburse the engineer for expenses paid in making the survey of the Mobile, Florence and Tuscaloosa railroad, and the governor is hereby required to draw his warrant on the auditor for the payment of the above amounts to Thomas Seay, chairman of the committee to have said survey made, which said warrant shall be approved by the auditor and paid by the treasurer.

Amount to M., F.& T.R.R

SEC. 2. Be it further enacted, That the remaining portion of said two and three per cent. funds now in the treasury, amounting to nine hundred and eighty dollars and twenty-six cents ($980.26) be equally appropriated to the Alabama Grand Trunk Railroad Company, Tennessee River, Asheville and Coosa Railroad Company, Montgomery, Hayneville and Camden Railroad Company, and Dayton and Faunsdale Railroad Company, for the purpose of aiding in the survey and construction of said roads, and the governor is hereby required to draw his warrant on the State auditor for the payment of one-fourth of said sum in favor of each of said railroad companies, and the warrant shall be approved by the auditor and paid by the State treasurer.

To Ala. G. T R.R.

SEC. 3. Be it further enacted, That all such sums of money as may be paid into the treasury on account of such two and three per cent. funds for two years next after the passage of this act shall be divided equally between the four corporations mentioned in the preceding section of this act, for the purpose of aiding in the construction of said railroads in this State; and that the governor shall, from time to time, draw his warrant in favor of each of said companies for one-fourth of such amounts so to be paid into the treasury within the next two years, which warrants

Future sums to be divided.

shall be approved by the auditor and paid by the treasurer.

Approved February 18, 1893.

No. 310.] AN ACT [s. 550.

To provide for the payment of a clerk for the State Board of Health.

Section 1. Be it enacted by the General Assembly of Alabama, That the sum of four hundred dollars a year be, and the same is, hereby appropriated to pay the salary of a clerk for the State Board of Health, to be paid by the auditor in monthly installments, on the order of the presiding officer of said State Board of Health; and that this act shall take effect from and after its passage.

Approved February 12, 1893.

No. 311.] AN ACT [s. 235.

To amend Section 2 of an act to incorporate the Montgomery, Hayneville and Camden Railroad, approved Dec. 11, 1890.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Section 2 of an act approved Dec. 11, 1890, entitled an act to incorporate the Montgomery, Hayneville and Camden Railroad, be amended so as to read as follows: Section 2. Be it further enacted, That said railroad company is hereby authorized and empowered to survey, locate and construct, and thereafter maintain and operate a railroad with one or more tracks of rails, from the city of Montgomery, Alabama, by way of Hayneville, to Camden, and through the counties of Montgomery, Lowndes, Wilcox, Marengo, Clarke, Choctaw and Washington, to the line of the State of Mississippi, thence to New Orleans, Louisiana, Route.

and to extend such lines in other directions in the State of Alabama, as may be found best.

Approved February 18, 1893.

No. 312.] AN ACT [s. 248.

To provide for the drawing and organization of grand and petit juries in the county of Wilcox.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the grand and petit juries in the county of Wilcox shall be drawn and organized as provided by articles 1 and 2, of chapter 4, title 3, part 5, of the Code of Alabama. Provided, that the provisions of this act shall only apply to the county of Wilcox.

SEC. 2. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 18, 1893.

No. 313.] AN ACT [s. 260.

To prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters or cordials within election precinct No. 1, in St. Clair county, Alabama, and known as Ashville Election Precinct.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act it shall be unlawful for any person to sell, give away or otherwise dispose of any vinous, spirituous or malt liquors, intoxicating bitters or cordials within any part or portion of election precinct No. 1, in St. Clair county, Alabama, and known as Ashville Election Precinct.

SEC. 2. Be it further enacted, That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty nor more than one hundred dollars.

Penalty.

Approved Feb. 18, 1893.

No. 314.] AN ACT [s. 587.

To provide for the payment of fees for attendance of State witnesses in criminal cases where the defendant is convicted.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the fees for attendance of State witnesses in criminal cases where the defendant is convicted shall be paid in the same manner as the costs enumerated in section 54 of an act entitled “An act to create a new convict system in the State of Alabama, and to provide for the government, discipline and maintenance of all convicts in the State of Alabama," passed at the present session of the general assembly, and as if specially mentioned in said section of said act as approved February 14,1893.

Approved Feb. 21, 1893.

No. 315.] AN ACT [s. 510.

To pay for articles purchased for the use of the Senate and House of Representatives, and for repairing the Senate Chamber and the Hall of the House of Representatives, and for repairing and furnishing the rooms of the engrossing and enrolling clerks of the House of Representatives.

Section 1. Be it enacted by the General Assembly of Alabama, That one hundred and twenty-seven and .03-100 dollars ($127.03) dollars be appropriated to pay Bryant James, the door-keeper of the Senate, for articles purchased for the use of the Senate, and for repairing the Senate Chamber, and the sum of one hundred and sixty dollars ($160.00) be appropriated to pay Robert Hasson, the door-keeper of the House of Representatives, for articles purchased for the use of the House of Representatives, for repairing the Hall of the House of Representatives, and for repairing and furnishing the rooms of the engrossing and enrolling clerks of the House of Representatives. Bryant James. Robt. Hasson.

SEC. 2. Be it further enacted, That the auditor is re-

quired to draw his warrant on the State treasurer for the amounts set forth in section one, hereof, and in favor of the parties therein named, which shall be paid out of any money in the treasury not otherwise appropriated.

Approved February 18, 1893.

No. 316.] AN ACT [s. 561.

To allow and provide for the re-registration of certain claims against the county of Winston, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That all claims against the county of Winston not re-registered with the treasurer of said county within the time required by law may be re-registered with the treasurer of said county within one year from the date of approval of this act, and when so re-registered they shall have the same validity as if they had been re-registered within the time required by law.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved February 18, 1893.

No. 317.] AN ACT [s. 166.

To establish a charter for the town of Brundidge, in Pike county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of Brundidge in the county of Pike, be, and they are hereby created a body politic and corporate under the name of the mayor and councilmen of Brundidge, and by that name may purchase, receive, let or hold, sell, grant, alien or assure property, real and personal, and sue and be sued, plead and be impleaded, and do and perform any other act incident to bodies corporate, and may have a common seal, which may be changed at pleasure, and shall have authority to do all acts, and pass such ordinan-

Name and style.

ces as may be necessary to enforce the powers granted by this act, but shall not hold property more than seventy-five thousand dollars in value.

SEC. 2. Be it further enacted, That the corporate limits of Brundidge shall embrace an area of two miles square, the centre of which shall be the point where the section line between sections 26 and 35 crosses the half section line north and south in township 9, range 22. Limits.

SEC. 3. Be it further enacted, That the mayor and councilmen of Brundidge may, when in their opinion it becomes necessary, divide the corporate limits into four wards by ordinance prescribing the boundaries thereof, and if such ordinance should be repealed the rights of such wards under the ordinance creating them, shall be destroyed, but if wards should be constituted, then while they exist, if existing at any election for officers under this charter, each ward shall be entitled to elect one councilman. Wards.

SEC. 4. Be it further enacted, That the government of said corporation shall consist of, and its corporate powers shall be exercised by a mayor and four councilmen, who shall be elected on the same day the election for officers of Brundidge would be held under the present law, and annually thereafter, by ballot by the male inhabitants of said incorporation possessing constitutional qualifications, who have resided therein thirty days next preceding such election. Said election shall be held under and by the direction of the marshal of Brundidge, at such voting place or places as the mayor and councilmen may by ordinance prescribe. Said marshal shall give ten days notice of said election by posting a notice thereof at the post-office door in Brundidge, and shall appoint three inspectors and one returning officer for each voting place, and he shall conduct said election in the same manner as an election for members of the General Assembly. The inspectors at each voting place shall certify the result at such poll, and each returning officer shall make the return of his poll to the mayor and councilmen who shall declare the election, the mayor giving the casting vote, if any two or more shall have an equal number of votes and shall give to the persons elected certificates of election; but the General Assembly may repeal or annul this section so far as prescribing the manner and officers of election, and the mayor and councilmen of Elections.

Brundidge by ordinance may prescribe the officers and manner of ordering and conducting elections for officers
Ibid. which ordinance shall supercede so much of this section as prescribes the officers ordering or conducting, and the manner of holding elections. The persons so elected shall, before entering upon the discharge of the duties of their respective offices, take before a notary public or justice of the peace in and for Pike county, an oath to discharge without favor or partiality the duties of their respective offices, as the case may be. The said mayor and councilmen shall continue in office for one year from the date of their election, and until their successors are elected and qualified. If for any cause an election should not be had in any year for mayor and councilmen, the said marshal shall as soon as practicable appoint another day for holding such election, not more than thirty days after such regular day, of which he shall give the like notice, and on the day appointed shall open and hold such election in the manner above described, and if from the neglect or failure of the marshal, or from any other cause, an election for mayor and concilmen should not be held on the regular day therefor, nor within thirty days thereafter, as above provided, then the mayor of Brundidge shall appoint a day for holding such election not more than sixty days after such regular election day, of which he shall give the same notice, and on the day so appointed shall hold the election in the same manner as above provided, and for the purpose of holding and completing such, the mayor shall be invested with all the powers, and subject to all the duties of the marshal as above set forth.

SEC. 5. Be it further enacted, That no person shall
Who may hold hold the office of mayor or councilman of Brundidge
office. who has not resided therein one year next preceding the election at which he is elected.

SEC. 6. Be it further enacted, That the ballots cast at any election held under this act shall, after being count-
Preserving ed, be carefully sealed up by the inspectors and de-
ballots. posited by them with the marshal, who shall preserve the same for twenty days after the result of such election is declared, and then, if there be no contest, the marshal shall cause the same to be burned in his presence and that of the mayor and councilmen; but in

the event of a contest, they shall be delivered to the judge trying the same.

SEC. 7. Be it further enacted, That any election held under this act may be contested in the same manner as is or may be provided by the laws of the State for contesting the election of probate judge and all the provisions of such law in relation to the contesting the election of probate judge, shall, so far as the same may be applicable, apply to contests of any election held under this act. Contests.

SEC. 8. Be it further enacted, That if the mayor or any councilman during his term of office, and after qualifying, shall die, resign or remove from the corporation, or from the ward to which he was elected, or refuse to act, the remaining members of the board shall, by ballot, elect in his stead another mayor or councilman who shall have the qualifications prescribed in the fifth section of this act, and shall continue in office during the remainder of the term, and until his successor is elected and qualified. And if any person elected mayor or councilman by the qualified voters of Brundidge at any election held under this act shall refuse to qualify, the marshal shall, after giving ten days notice by posting at the post office door, proceed to hold an election to supply the vacancy, which election shall be conducted in the same manner as the regular annual election for mayor and councilmen. Vacancies.

SEC. 9. Be it farther enacted, That the councilmen shall be judges of the qualifications of the mayor, and the remaining councilmen shall be judges of the qualifications of a councilman. Qualifications.

SEC. 10. Be it further enacted, That the mayor and councilmen may, if they deem it expedient, provide the registration of the persons entitled to vote at the municipal election held under this act, which registration shall be made at such times, and under such rules and regulations as the mayor and council men may provide. The provisions of sections 12, 13 and 14, of "an act to provide for the registration of electors approved October 5, 1868," shall not apply to the municipal elections held under this act. Registration.

SEC. 11. Be it further enacted, That a majority of the mayor and councilmen shall be a quorum to transact any business. The mayor and councilmen shall fix their own sessions, and special meetings of the mayor and councilman may be called by the mayor at his own option, or any two of the councilmen, and all acts done at any such called session shall be as lawful and binding as if done at a regular session, whether the mayor be present or not. In case of the sickness or temporary absence of the mayor, the councilmen may appoint one of their own number to act as mayor during such sickness or absence, and such mayor pro tempore, shall exercise all the powers, and perform all the duties of the mayor; but the office of mayor shall not be vacated by reason of any temporary absence from the corporation or State.

Sessions of council.

SEC. 12. Be it further enacted, That the mayor shall possess within the corporate limits all the powers and jurisdiction of a justice of the peace in civil and criminal cases, and be subject to all corresponding duties and responsibilities, and for his services in such cases shall be entitled to the fees which are or may be allowed by law to justices of the peace, and his signature or act as mayor in such cases shall be of equal force as if done by him expressly as a justice. The party desiring it may take an appeal or certiorari to the circuit court of the county under such rules and regulations as are or may be prescribed by the laws of the State for an appeal or certiorari from the judgment of a justice of the peace. He shall, moreover, as mayor, have exclusive original jurisdiction to hear, adjudge and determine all suits, prosecutions or other proceedings for the violation of the charter, by-laws or ordinances of the corporation; he shall have jurisdiction of all proceedings by notice, scire facias, or other suits, on any penal bonds payable to the mayor, or mayor and councilmen of Brundidge taken under this act, or the ordinances of said corporation, including proceedings and suits of the officers of the corporation, and the sureties on their official bonds, for the non payment of taxes or other moneys collected or received, or for other delinquencies or defaults in office; and upon the judgment of the mayor, in any case in either branch of his jurisdiction, as mayor or as justice,

Powers of mayor.

Appeals.

Judgment of mayor.

execution or other appropriate process may be issued by the mayor directed to and to be executed by the marshal, which shall have the force and effect of an execution or other appropriate process as the case may be, from any of the circuit courts of the State, and shall be executed by the marshal in the same manner as executions or other process, as the case may be, from such circuit courts. And from any judgment or decision of the mayor, as such, the party desiring it may take an appeal to the circuit court of Pike county, on giving bond with two (2)sufficient sureties, to be approved by the mayor in the amount of the judgment, cost and fine, and conditioned to prosecute the appeal to effect, and to satisfy such judgment as the circuit court may render in the premises; but unless said appeal bond be given within five (5) days from the date of said judgment or decision, then no appeal shall be allowed for the same. The proceedings on such appeal shall be such as are, or may be prescribed by law in case of appeal from justices of the peace.

Appeal.

SEC. 13. Be it further enacted, That it shall be the duty of the mayor to see that the laws of the corporation are duly executed. He shall hold a court as often as may be necessary for the trial of offenders against its laws and ordinances, and other causes brought before him ; he shall report to the councilmen the negligence, incapacity or misconduct of any officer of the corporation ; he shall recommend to the councilmen from time to time, in writing, such alterations in the laws of the corporation, or measures for its good government or interests, as he may deem necessary and proper; he may, in case of the disturbance of the peace, or invasion or insurrection, or whenever in his opinion, the peace and security of Brundidge requires it, call on the sheriff of the county for aid in preserving the peace, by the use of all the means which the law confers on the sheriff as a peace officer. He shall preside at all the meetings of the mayor and councilmen when present; he shall perform all other such duties as the mayor and councilmen prescribe, and have authority, while holding his court, to punish any contempt of his court by fine and imprisonment, or either; but the imprisonment for such contempt shall not exceed twenty-four hours, and the fine shall not exceed twenty-five (25) dollars.

Duties of mayor.

SEC. 14. Be it further enacted, That the mayor and

councilmen shall have power to appoint a marshal, and such other officers or agents as may be necessary and proper, to execute the powers conferred on the corporation, or as may be deemed proper for the good government of the town ; to require of them bond with security, and in such amount as may be deemed expedient, for the faithful discharge of their duties ; to regulate and control them in the discharge of their respective duties ; to remove or discharge at any time, any or all of such officers or agents, a majority of the mayor and councilmen concurring in such removal; and such removal may be made by the councilmen, if a majority at any one meeting vote therefor. The officers of the corporation shall continue in office (unless removed) until the next annual election of mayor and councilmen, and until their successors are qualified; but the mayor and councilmen may at any time repeal, alter or amend the ordinances, creating or employing said officers or agents, or regulate their duties. or compensation, and may fill all vacancies that may occur in said offices. All such officers as the mayor and councilmen may require to give bond, shall before entering upon the discharge of their duties give bond with sufficient security to be approved by the mayor, payable to the mayor and councilmen of Brundidge, in such penalty as may be prescribed by the mayor and councilmen, with condition to discharge faithfully all the duties of said office, on which bond, suit and recovery may be had before the mayor, or any other court having jurisdiction, in the name of the mayor and councilmen of Brundidge for the use of the corporation or the persons injured, and said bond shall remain for the breaches of its condition. And the mayor and councilmen may provide summary remedies, by motion or otherwise, before the mayor against the officers of the corporation and their sureties for any official default or neglect.

Subordinate officers.

Bonds.

SEC. 15. Be it further enacted, That the mayor shall keep a regular record of the proceedings, orders, regulations and ordinances of the mayor and councilmen, which shall be read to the mayor and councilmen, and signed by the mayor or presiding chairman, or mayor pro tempore, and the same shall have the force and effect of a record, and a copy therefrom, certified by the mayor, shall be prima facie evidence in any court of record, elsewhere, arid said record shall at all times be open for in-

Minute record

spection. The mayor shall also keep a docket of all causes instituted before the mayor, as such, showing the order in which they are instituted, and noting and endorsing the orders, judgment, &c., therein, and the dates of issuance and delivery of original and final process, to whom delivered, and the returns thereon, or the substance thereof. And in another book he shall keep a minute or record of the orders, judgments, &c., in all causes before the mayor as such. He shall keep a separate docket and a separate record, or minute book of the cases instituted before him as a justice of the peace, which shall be kept in the same manner as above provided, in reference to causes before the mayor, as such. And the mayor shall make full indexes, direct and reverse, for all of his said books, and he shall keep and preserve a regular file, as well as the papers in all suits or cases before the mayor, as such, and as a justice, as of all other papers belonging to the mayor and councilmen. And the said docket, records, indexes and tiles shall be open for public inspection under such rules and regulations as the mayor and councilmen may prescribe.

SEC. 16. Be it further enacted, That the marshal shall have and possess within the corporate limits, all the powers and rights of a constable under the laws of this State, and shall be entitled to the same fees for like services. He shall also possess within said limits in preserving peace and making arrests, all the powers of a sheriff as a peace officer. He shall execute the orders, notices and processes of the mayor to him directed, and all warrants, precepts, executions, and all processes from the mayor's court, and perform such other duties as the mayor and councilmen may prescribe, and be subject to all the liabilities and remedies which they may provide. The mayor and councilmen may allow to the marshal, such salary and compensation in addition to the special fees to which he may be entitled, as they deem proper, but in no case to exceed three hundred dollars, unless on vote of two-thirds of the mayor and councilmen, and in all cases, where the marshal is a party to the suit or proceedings before the mayor, the mayor shall appoint some person to act as a special marshal.

Powers and duties of marshal.

SEC. 17. Be it further enacted, That the mayor and councilmen shall have the power and authority to declare, prevent and remove nuisances, to prevent the in-

troduction of contagions or infectious diseases within the corporate limits, and provide places for the reception of the sick, to erect a calaboose, and may use, the county jail for all purposes of imprisonment, and the jailer is required to receive and place in, or allow the marshal to place in the jail, such persons as the mayor may sentence thereto, and such as the marshal arrests and requires the jailer to receive; to establish day and night watches; to erect and repair bridges; to regulate partition fences and determine by whom they shall be kept in repair; to prohibit and disperse all unlawful and disorderly assemblages, to license and regulate hawkers and peddlers, and for good cause annul their license; to license, restrain and regulate theatrical and other exhibitions and shows of whatever character, kind or name, for pay, and also lectures and concerts for pay, except concerts and lectures for charitable purposes; to license and regulate hackney coaches, carriages, wagons, carts and drays and vehicles of like kind, running from one part of the corporate limits to another for hire; to license and regulate pawnbrokers, auctioneers, commission merchants, dry goods and grocery merchants, and the keepers of hotels, eating houses, livery and sale stables, barber shops, billiard rooms, bowling saloons and ten-pin alleys, and stores and shops for the sale of any goods, provisions, drugs and any other articles or commodity whatever, lawyers, doctors, dentists and any other person or company carrying on any other trade, profession, occupation, business or calling whatsoever; to fix the price of tax on all licenses, and to prescribe whether the individual members of firms or companies shall pay a license, or any other regulation to equalize and make just the license tax, to restrain and prohibit gambling, gaming houses and houses of ill fame; sink and keep in repair public wells; to prohibit and punish violations of the Sabbath; to prevent stock of any kind from running at large in the public streets or alleys or avenues; to keep in repairs the streets, alleys or avenues and to open new ones; to prohibit riots, routs, assaults and batteries and all other breaches of the peace, and all misdemeanors and felonies; to provide for the punishment by fine or by fine and imprisonment, or by imprisonment, or by work on the streets or other works of the town, for any breach of the laws, by-laws or ordinances of the corporation, but no fine shall exceed fifty

General powers of council.

dollars, and no imprisonment, work on the streets, or other work of the town shall exceed thirty days, and also to provide in cases where fine and costs are not presently paid by the party convicted, that the party so in default shall work out such fine and costs under the direction of the town officers. Provided, that the time of such work shall not exceed thirty days; and to pass all such laws, by-laws and ordinances as may be necessary and proper to execute the powers in this charter granted, or as may be expedient for the good government of the town, not contrary to the constitution and general laws of the State, or to the restriction in this act expressed. Nothing in this charter contained shall authorize the licensing of the sale of spirituous, vinous or malt liquors in the town of Brundidge.

SEC. 18. Be it further enacted, That the mayor and council shall have authority to cause all vagrants or idle or disorderly persons, all persons of ill fame or evil life, such as have no visible means of support, or are likely to become a public charge as paupers, or are found begging in or about the streets, or can show no reasonable course of business or employment in the town; all who have no fixed place of residence, or can not give a good account of themselves; all who are grossly indecent in language or behavior publicly on the streets, and all prostitutes or such as lead a notoriously lewd or lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnify the town against any charge for their support, and in case of their refusal or inability to give such security, to cause them to be confined to labor for a limited time on the streets or other work of the town, not exceeding five days in any one month, unless such security shall be sooner given, which said labor shall be such as shall be designated by the mayor and council men, and if such persons shall be found afterwards so offending such security may again be required, and like proceedings may again be had, from time to time, as often as may be necessary in each and every month. Vagrants and idlers.

SEC. 19. Be it further enacted, That whenever it is deemed expedient by the mayor and councilmen to widen or extend or make a new street, lane or alley, the mayor shall summon twelve free holders, inhabitants of the town, not directly interested in the lands or lots through which such street, lane or alley is to be widened, extend- Rights of way.

ed or opened, who, being first sworn by the mayor to assess and value what damages would be sustained by the owner of said lots or lands by reason of widening, extending or opening of such street, lane or alley as proposed, shall assess such damages, which assessment may be made by the vote of a majority of said free holders, and must be reduced to writing, subscribed by a majority of such free holders and delivered to the mayor, who must record the same, and before such street, lane or alley shall be opened, widened or extended, the damages so assessed shall be paid to the parties entitled thereto; notice of the time and place of such assessment shall be given for such time and in such manner as the mayor and councilmen may by ordinance provide, and for the purpose of carrying into effect the provisions of this section, the mayor and councilmen may adopt such rules and regulations, not inconsistent herewith, as they may deem expedient, and either party may appeal from any assessment made under the provisions of this section, to the circuit court of Pike county, within ten days from the making of such assessment, under the rules governing appeals from the judgment and decisions of the mayor. But in case the appeal is taken by the mayor and councilmen, the appeal bond must be approved by the clerk of the circuit court of Pike county.

Appeals.

SEC. 20. Be it further enacted, That the mayor and councilmen shall have authority to levy and collect taxes on the real and personal property within the corporate limits, on auction sales and sales of merchandise, on capital unemployed in business, or income of residents or itinerant or transient merchants or teachers, or any business, profession, trade or calling carried on in the corporate limits, and on all other subjects of taxation within said town on which State taxes are now or may hereafter be levied by the laws of the State; Provided, That no tax shall be levied upon sales under judicial proceedings, or under execution, or by administrators, executors, guardians, or under deed for the security or payments of debts; And provided further, That all lots of land within the said corporate limits containing five acres or more and used exclusively for agricultural or farming purposes, shall be exempt from all city taxation.

Taxes and licenses.

SEC 21. Be it further enacted, That the tax on personal property shall not in any one year, exceed one half

of one per centum of the value thereof, and shall be levied according to the assessment and valuation of the property taxed made by such person, and under such rules and regulations as the mayor and councilmen may prescribe, which said assessment and valuation the mayor and councilmen are authorized to make, or they are empowered to appoint one of their number to make, and they shall have authority to revise and correct as they may deem proper. Amount of tax

SEC. 22. Be it further enacted, That the mayor and councilmen may provide for the payment of a certain amount of money by each male person between the ages of 18 and 45 in lieu of working upon the public streets, lanes or alleys, such exemption from such work to be for such time as may be prescribed by ordinances. All male persons between such ages shall be liable to work on the streets, lanes or alleys, but not more than ten days in any one year, and all persons residing in the corporate limits and liable to work on the said streets therein are exempt from road duty outside of said corporate limits. Street tax.

SEC. 23. Be it further enacted, That the mayor and councilmen may, if they deem it expedient, require merchants or persons liable to pay taxes on auction sales or other sales of merchandise, or other commodities, or upon goods or other commodities offered for sale, to give in to the marshal or assessor, or such persons as may be appointed, quarterly or annually statements, under oath, of the gross amount of such sales, or of the amount and value of the goods or other commodities received during the preceding quarter or year as the case may be, and may levy and collect the taxes on such sales or on such goods and other commodities quarterly or annually, as they may deem expedient and proper. Tax lists.

SEC. 24. Be it further enacted, That full power and authority are hereby given said mayor and councilmen to establish such rules and regulations, not inconsistent with this act, for the assessment and collection of taxes of authorized by this act as they may deem expedient, and to provide and employ all lawful means and proceedings to enforce and collect the same, and to impose such fines and penalties, subject to the restrictions hereinafter expressed for the violation of their ordinances in reference to the taxes and revenue of Brundidge as they may deem requisite and proper; for any mistake, fraud or other de- Assessment and collection of taxes.

fect in the assessment and levy of the taxes, said corporate authorities may, if they deem it necessary or expedient, set aside such assessment or levy in whole or in part, according to the circumstances, and direct a new assessment or levy, in whole or in part, as the case may be.

SEC. 25. Be it further enacted, That all the taxes assessed or levied in pursuance of the authority conferred by this act, shall have the force and effect of a judgment, and execution at law shall constitute a lien on the property assessed and on all other property within the corporate limits of the party against whom the same are assessed or levied, and the persons appointed to collect such taxes must, on failure to pay, collect the same by levy and sale of the property of the person to whom assessed, or if assessed to an owner unknown, by a sale of the property. All such sales of property for the non-

Sales for taxes. payment of taxes must be after thirty days public notice, by posting at the post office door. The person appointed to collect such taxes shall make such sales under such rules and regulations as the corporate authorities may prescribe, and shall give to the purchaser of any real estate so sold a certificate of purchase in such form as the corporate authorities may prescribe, which certificate shall be prima facie evidence of the regularity of all previous proceedings, and of all the facts stated therein, and also that all the requirements of the law in reference to the levy and assessment of the taxes and the sale of the property, have been complied with; Provided, however, That real estate sold for the payment of taxes under this act may be redeemed at any time within two years from the date of the sale on the payment of the amount for which such property was sold, with interest at the rate of ten percentum per annum, and all taxes and costs which have accrued, and if the purchaser does not reside within the limits of the corporation, the same may be redeemed by payment made into the corporation treasury for the benefit of the purchaser, and if infants, lunatics and married women, shall be allowed one year after the removal of their respective liabilities for the redemption of their real estate, and upon such payment or deposit being made within the period allowed for redemption, the title created by such sale and certificate shall cease and determine, and the purchaser and claimant under him shall relinquish possession, or on failure to do so, shall be liable for an unlawful detainer.

SEC. 26. Be it further enacted, That no suit, prosecution or claim, contract or agreement whatever, pending or to be brought under existing laws shall in any manner be affected, impaired or altered by the passage of this act, and all existing ordinances or by-laws of Brundidge, adopted in pursuance of the present law of incorporation, and not in conflict with this act, shall be and remain in force as the ordinances and by-laws of said corporation until repealed or modified by the present corporate authorities, or those acting under this act. Former laws not repealed.

SEC. 27. Be it further enacted, That the present intendant and councilmen shall act as mayor and councilmen under this act until the time for which they were elected has transpired, unless for some cause under this act, or the law under which they were elected, there should be a vacancy, and until their successors are elected and qualified and should a vacancy occur they are empowered to fill it as provided for in this act and the mayor and councilmen now in office shall have and exercise all the powers and authority which by this act are conferred on the mayor and councilmen to be elected hereafter under this act. And the intendant and councilmen, and other officers now in office shall respectively have and exercise all the authority and power which under this act are conferred respectively on the mayor and councilmen and other officers of the corporation under this act. Tenure of office.

SEC. 28. Be it further enacted, That all laws in contravention of this act and the powers herein granted and the requirements herein contained are repealed.

SEC. 29. Be it further enacted, That no new street, lane or alley shall be opened when the cost thereof, exclusive of the work to be done as assessed under the provisions of this act, exceeds the sum of one hundred ($100.) dollars, unless a majority of the legal voters of such corporation vote for the opening thereof at an election ordered for such purpose under such rules and regulations as the mayor and councilmen may prescribe, but in all cases ten (10) days notice must be given of such election and the purpose thereof. Opening new streets.

Approved Feb. 21, 1893.

No. 318.] AN ACT [H. B. 640.

To refund license money to Davy C. Case, DeKalb county,

Whereas, on the 30th day of July, 1887, Davy C. Case obtained license to transact business as itinerant dealer in fruit trees in the counties of DeKalb and St. Clair, for which he paid the State of Alabama, fifty dollars for the year 1887; and,

Whereas, the law under which said license was issued, and said amount paid, by the supreme court of the United States and the supreme court of Alabama was declared unconstitutional and void, and said amount was collected without authority of law; therefore,

Amount. Section 1. Be it enacted by the General Assembly of Alabama, That the sum of fifty dollars, the said license money, be refunded to the said Davy C. Case, and the auditor is hereby authorized and directed to draw his warrant on the treasurer in favor of Davy C. Case for the said amount of fifty dollars, to be paid out of any funds in the treasury not otherwise appropriated.

Approved Feb. 21, 1893.

No. 319.] AN ACT [H. B. 111.

To authorize mining, quarrying and manufacturing corporations, organized under special charter, to exercise the powers of corporations organized under chapter 5, title 1, part 2 of the code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any corporation organized under any special charter for mining, quarrying or manufacturing, may exercise, in addition to the rights and powers conferred under its special charter, all the rights, powers and privileges of corporations organized for mining, quarrying or manufacturing under chapter 5, title 1, part 2 of the code.

Approved Feb. 21, 1893.

No. 320.] AN ACT [H. B. 560.

To establish a charter for the town of Ashford, in Henry county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the town of Ashford, in the county of Henry, shall be and continue a body politic and corporate, by the name of the town of Ashford, and by its corporate name may sue and be sued, grant, receive and do all other acts as natural persons in respect to the powers herein granted, may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said town, and may have and use a city seal, which may be broken or altered at pleasure. Corporate name.

SEC. 2. Be it further enacted, That the corporate limits of the town of Ashford shall embrace an area including all the territory within one-half of the depot in said town, extending in all directions one half mile from said depot. Corporate limits.

SEC. 3. Be it further enacted, 1st, That there shall be elected yearly by the qualified electors of said town the following officers, namely: A mayor and five aldermen, in the manner herein provided, all qualified electors of the State, who have resided within the corporate limits of said town thirty days preceding the election, are hereby declared qualified electors of said town of Ashford. Election of officers. The candidate for mayor and the five candidates for aldermen receiving the highest number of votes shall be declared duly elected; 2nd, the next election of mayor and aldermen of said town shall be held on the first Monday in December, 1893, and each succeeding election shall be held on the first Monday in December every year thereafter. The term of office of the mayor and board of aldermen shall be one year from the date of their qualification, and until their successors are elected and qualified. The officers thus elected shall take the oath and enter upon the discharge of the duties of their office on the Monday following their election; 3rd, no person shall be eligible to the office of mayor or alderman at any election unless he has been a resident of said town for one year preceding the election at which he is a candidate, nor shall the mayor or any alderman be directly Terms of office.

or indirectly interested in any contract whatever to-
which the town is a party, unless such contract is let to
the lowest and best bidder, and awarded to them as such;
4th, the board of aldermen shall by ordinance prescribe
the manner in which said town elections shall be held,
the mode of making and declaring the returns therefor,
and the registration of voters therefor, but should it
occur that two or more candidates for the same office re-
ceive the same number of votes, it shall be the duty of
the old board to elect one of the said candidates to the
office; 5th, all officers of the town, before entering upon
Oaths of office. the discharge of their duties, shall take and subscribe be-
fore a person qualified to administer oaths, the following
oath of office: "I..... do solemnly swear
(or affirm) that I will support the constitution of the
United States, and of the State of Alabama, and the char-
ter and ordinances of the town of Ashford, and that I
will faithfully discharge the duties of the office of.....
..... according to the best of my ability;" which
oath shall be filed with the mayor; and all the officers of
said town, except the aldermen, shall, before assuming
the duties of their offices, enter into bond in a sum to
be fixed by the mayor and aldermen, with sufficient
surety, to be approved by the mayor, except in the case
of the mayor's bond, which shall be approved by the
board of aldermen, all of said bonds to be conditioned
upon the faithful performance of the duties of the office.
Provided, that the mayor's bond shall be fixed at the
sum of five hundred dollars, and the treasurer's bond at
an amount not less than twice the amount of licenses,
taxes and special assessments of the current year; 6th,
the mayor shall make and issue proclamations whenever
he shall deem it necessary for the public health, or when-
ever instructed by the board in order to prevent the in-
troduction or spreading of infectious or contagious dis-
Health laws. eases in the town, prohibiting all persons and goods from
infected localities from entering said town. and under
ordinances to be adopted for that purpose, to have power
to offer rewards for the detection and punishment of all
violations of such proclamations; 7th, he shall make
proclamation whenever it shall be considered necessary
for the peace and order of the town, prohibiting riotous
and disorderly assemblies, and closing saloons and public
places of amusement; 8th, he shall have power, when

necessary, to call on all the male citizens of the town over the age of eighteen, to assist in enforcing the laws; 9th, if the mayor or aldermen, or any other town officer, at any time during his term of office, shall remove from the limits of the town, his office shall become vacated thereby.

SEC. 4. Be it further enacted, 1st, That the board shall consist of a mayor and five aldermen; 2nd, that the board shall be judge of the election returns and qualification of its own members, and a majority of said board shall constitute a quorum, but a smaller number may adjourn from time to time, and compel the attendance of absent members in such manner as may be prescribed by ordinance; 3rd, the mayor shall be ex officio president of the board, but shall have no vote except in the election of officers, and the board may elect one of their own number as mayor pro tem. to serve at all times during the absence or disability, of the mayor; 4th, the board shall keep a record of its proceedings, and may sit with open doors; 5th, the board shall determine its own rules of proceedings, punish its members for misconduct, and, with the concurrence of two-thirds of the board, may expel a member; Provided, that any alderman who shall have been convicted of bribery, perjury, or other infamous crime, shall thereby be deemed to have vacated his office; 6th, the board shall describe by ordinance the time and place of the meetings thereof and the manner in which special meetings thereof may be called; 7th, all ordinances, by-laws or resolutions passed by the board shall take effect and be in full force after publication in a newspaper, if one is published in said town, if not by posting in three public places of said town for ten days, except provisions relating to quarantine, the prevention or abatement of nuisances, the closing of saloons and places of public amusements, and others of like character, which shall take effect from being posted in the council chamber; 8th, in case of death, resignation, removal or inability of the mayor, treasurer, clerk, any public officer or alderman, the board shall fill such vacancy; 9th, the board shall elect all officers to offices established by this act or by ordinance, except those otherwise provided for, and may elect a clerk of the board, treasurer, a marshal, deputy, a health officer (who shall be a regular practicing

General powers of board.

physician,) town attorney, and superintendent of streets and other officers as the board may by ordinance establish and by ordinance provide for the pay of the same.

SEC. 5. Be it further enacted, That the board of aldermen shall have the following powers : 1st, to control the finances and property of the corporation; 2d, to appro-

Powers of board.

priate money for the purposes provided in this act, an by proper ordinance, and to provide for the payment of the debts and legitimate expenses of the town; 3d, to levy and collect taxes for general and special purposes on real and personal property in said town ; 4th, to license all business and trades, not prohibited by the constitution and laws of Alabama; to fix the amount and terms of issuing or revoking said licenses; to provide a penalty for doing business without said licenses when the same are required; 5th, to license and regulate auctioneers, distillers and brewers, lumber yards, livery stables, public scales, money changers, money brokers, second hand and junk stores; 6th, 10 license, regulate and restrain street hackmen, draymen, omnibus drivers, carters, cabmen, porters, runners for stages, cars and public houses, and others pursuing like occupations and to prescribe their compensation; 7th, to license, regulate and restrain pin-alleys, ball alleys, bagatelles, pigeon-holes, pool and billiard tables, or any other tables used for a similar purpose; 8th, to license, regulate and restrain the selling or giving away of any vinous, spirituous or malt liquors, within the corporate limits of said town, the license not to extend longer than the fiscal year for which it shall be granted, and the board of aldermen may fix the license for selling said spirituous, vinous or malt liquors in a sum in their discretion not to exceed one thousand dollars per annum; Provided, that the board shall have power to revoke all licenses under such regulations and restrictions as may be established; 9th, to close houses and places for the sale of intoxicating liquors whenever the public good may require; 10th, to punish the giving of intoxicants to any minor, habitual drunkard or person of feeble mind; llth, to prohibit and suppress houses of prostitution and disorderly houses, and also to suppress gaming, gambling and gambling houses, lotteries, and all fraudulent devices and practices for the purpose of gaming or obtaining money or property, and to prohibit the sale and exhibition of obscene or immoral publications, prints, pictures or illnstra-

tions, and to prohibit and suppress all public masquerades, exhibitions and amusements which violate public morals or decency; 12th, to assess, levy and collect annually a tax for general and special purposes on real and personal property at a rate not exceeding one-half of one per cent on the cash value thereof; 13th, to license, regulate and restrain peddling and the vending of patent medicines within the corporate limits of said town; 14th, to establish, open, alter, vacate, abolish, widen, extend, grade, cut down, fill in, and pave or otherwise improve all streets, avenues, side-walks, alleys, public grounds and squares, and to provide for the payment thereof, in a manner not inconsistent with the provisions of this act; 15th, to plant trees upon the same, to regulate the use of the same, to prevent and remove obstructions and encroachments upon, and to provide for the cleaning of the same; 16th, to regulate the openings therein for gas or water mains and pipes and the building and repairing of sewers, culverts and drains, and erecting gas and electric lights, telegraph and telephone poles and wires, subject, however, to the reservations, if any, in the dedication of any street, alley, avenue or public ground; 17th, to regulate the use of sidewalks and all structures thereunder, and to require the owner or occupant of any premises to keep the sidewalk in front or along the same free from obstructions; 18th, to compel the owner or tenant of any premises to keep the sidewalks in front of or along such premises clean and in repair, and to prescribe the kind of pavement, if any, and compel the laying of the same. 19th, to regulate and prevent the depositing of ashes, dirt or garbage, or any offensive matter in, and to prevent injury to any street, alley, avenue or public grounds; 20, to provide for and regulate cross-walks, curbs, and gutters; 21, to prevent and regulate the use of sidewalks, streets and public grounds, for signs, sign posts, awnings, awning posts, liorse troughs, racks, posting hand-bills, advertisements, &c.; 22, to regulate traffic and sales upon the streets, side-walks, alleys, avenues and public places; 23, to regulate the speed of horses and other animals and vehicles within the limits of the corporation; 24, to regulate the numbering of houses, and to name and change the name of any street, avenue, alley or other public place; 25, to require railroad companies by ordinance to exercise the necessary precautions to prevent injury to persons or

Taxes.

General powers.

property; to prevent the accumulation of filth, on any of the grounds or in any of their works, and to pre-
Ibid. vent the blocking up of streets or avenues or the impeding of travel thereon, by any railroad company; 26th, to construct and keep in repair bridges and viaducts, and to regulate the use of the same; 27th, to construct and keep in repair culverts, drains, sewers, and cesspools and to regulate the use thereof; 28th, to provide for draining of and filling up ponds or mud holes on private property whenever necessary to prevent or abate nuisances and to cause the same to be done at the cost of the owner of the premises, or at the expense of the town as the council may deem best; 29th, to prevent infectious or contagious diseases from being introduced into said town, to ordain all regulations necessary for an effective quarantine, and to enforce the same within one mile of the corporate limits of said town; 30th, to maintain cleanliness and health, to provide for the cleaning of places likely to become detrimental thereto, and by ordinance to protect health, prevent the spread of disease and to maintain a good sanitary condition in said town; 31st, to suppress all nuisances, at the expense of the owner of the premises where found; 32nd, to establish a system of drainage and to regulate the manner in which the drainage from private premises may be disposed of; 33rd, to prevent the sale of adulterated or decayed food or adulterated drinks; 34th, to regulate and restrain the running at large of horses, cattle, swine, sheep, goats, geese and dogs; 35th, to direct the location and regulate the use and construction of breweries, distilleries, tanneries and fertilizer works; 36th, to prevent any offensive or unwholesome business or establishment within the corporate limits of said town; 37th, to compel the owners of any grocery, cellar, tannery, stables, pigsty, privy, sewer, or other unwholesome or nauseous house or place to cleanse, remove, or abate the same, and to regulate the location thereof; 38th, to establish and regu-
Ibid. late the location of cemeteries, and acquire lands therefor; 39th, to provide for the erection and care of all public buildings necessary for the use of the town;

40th, to provide for the taking of the census of the town once every two years, but not oftener; 41st, to exercise the right of eminent domain for public purposes in the manner prescribed by the constitution and laws of the State of Alabama; 42nd, to regulate places of amusement and public entertainment; 43rd, to determine the limits within which wooden buildings shall not be erected, and to prevent the re-construction in wood of old buildings and parts thereof which are dangerous and insecure; 44th, to establish and maintain water-works, or contract for the furnishing of water for fully supplying the town and its inhabitants with wholesome water and to regulate the manner and rates of furnishing water to private consumers; 45th, to establish and maintain gas, electric works, or contract for supplying the town with gas for light or fuel, or electricity for light or power, and to regulate the rates of the same to private consumers; 46th, to organize, establish and maintain free public schools; 47th, to establish and maintain a fire department and to erect engine houses and provide fire engines, hooks, and ladders and other implements for extinguishing of fires; 48th, to require all necessary precautions on the part of the citizens of the town to prevent fires; 49th, to pass ordinances to secure the safety of persons from fire in halls, hotels and buildings let or used for public assemblies and entertainments ; 50th, to regulate the police of the town and punish disorderly conduct and breaches of the peace; 51st, to regulate, restrain, or prevent the use of fire-works, fire crackers, torpedoes, roman candles, sky-rockets, and other fire-works; or pyrotechnic displays; 52nd, to prescribe the duties and powers of the marshal, deputy policemen, or watchman, and provide for their payment; 53rd, to punish for cruelty to animals, to punish vagrants, mendicants and prostitutes; to prohibit gaming and the keeping of gaming houses; to impound and forfeit domestic animals found on the streets contrary to ordinances of the board; to punish persons creating nuisances; to punish persons obstructing streets, alleys or sidewalks; the regulation of partition and other walls and fences; to pass and enforce Ibid. Ibid.

all ordinances needful and beneficial for the well-being of Ashford, not in conflict with this constitution or any
Ibid. law of this State; 54th, to grant the proper and necessary franchise relating to the use of streets to parties for the construction and operation of street railways; and to grant the use of any right to lay down railroad tracks in the streets of said town on such terms and conditions, as they may prescribe, subject to reservations in dedications of such streets; 55th, to pass ordinances for the punishment of all persons who in any manner obstruct or interfere with any police officer in the lawful performance of his duties, and for the punishment of persons, who, when called on by any officer of said town to aid in an arrest, shall refuse to render such assistance; 56th, any person against whom, upon trial for the violation of a town ordinance, a fine or penalty has been imposed, may upon the order of the mayor be committed to the town prison until such fine and costs are paid. The board of aldermen shall have power to
Working out fines. provide by ordinance that every person so committed shall be required to work out said fine upon the streets or otherwise, not exceeding ten hours a day, and being allowed for such work, not exceeding one dollar per day, exclusive of board; Provided, that no female shall be required to work on the streets of the town; 57th, the board shall have power to require all male inhabitants of said town who would otherwise be subject to road
Street work. duty, to work on the streets of the town not exceeding ten days in each year, under the direction of the marshal, and according to such provisions as the board may prescribe; Provided, that any person so required to work may relieve himself from working on the payment of three dollars into the town treasury; Provided further, that the inhabitants of said town shall be exempt from working on the public roads outside the
Street fund. town limits. The money so paid into the treasury shall constitute a street fund and shall be applied exclusively to work and improvements on the streets.

SEC. 6. Be it further enacted, 1st, That the mayor and aldermen may levy and collect each year upon all the real and personal property, and all subjects of State taxa-

tion within said town not exceeding one half of one per centum on the value of such property, and subjects of taxation. All property or subjects of taxation within the corporate limits of said town at the time the levy is made, shall be liable to taxation as herein provided. The board of aldermen shall inspect the return of the assessor. and in cases where property is not given in at its true value, shall raise the valuation thereof, after first giving the owner of said property ten days notice to appear before them and show cause why the same shall not be done; 2nd, the taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for the payment of said taxes, the town of Ashford shall have a preferred lien over all encumbrances and securities whatever, and all taxes assessed against the property of any person or persons under this act, or for which such person shall become liable for the current year, shall be a lien upon the real and personal estate of such persons within the town of Ashford from the first day of January of that year, or if brought into town after that time, the lien shall attach from the time it is brought in ; 3rd, after the taxes shall be fixed and levied, the person empowered to collect the taxes shall give thirty days notice in some newspaper published in Ashford, or if no paper is published in said town, then by posting written notices at three or more pub lie places, that he is ready to receive payment of the taxes so levied; 4th, after thirty days have elapsed from the first publication of such notice, the said collector of taxes, or his deputy, shall make personal demand upon delinquent tax payers wherever they may be found ; 5th, after the expiration of ninety days from the first publication of the tax collector's notice as above said, the tax collector may levy upon, seize and sell any personal property, if there be any, and if there be none, or not sufficient personal property, then upon the realty of said delinquent tax payer, and no personal property so sold shall be the subject of redemption ; but when real estate is levied upon, ten days notice of the sale shall be given in a newspaper published in Ashford, or by posting in public places in said town. At such sales the tax collector must bid off such property, or so much thereof as may be necessary to pay the taxes and costs of advertising the sale, and make a certificate of purchase to the

Taxes.

Levy and collection of taxes

Tax sales.

person bidding in the sale. The town of Ashford may be a purchaser in the absence of a bidder for such property, and said certificate of purchase shall vest in said town of Ashford the same rights as in other purchasers ; 7th, any real property sold under the provisions of this act, may be redeemed at any time within two years after the sale by payment to the town of Ashford the amount of the purchase money, all subsequent costs and taxes that may have been paid by the purchaser, and interest thereon at the rate of fifteen per cent. per annum, and upon such payment shall receive from the tax collector a certificate of redemption therefor. It shall be the duty of the tax collector, or the person or officer empowered by the board to collect the taxes, to keep record of all certificates of purchase and redemption. After the expiration of two years from the date of sale, if the property so sold is not redeemed, the tax collector then in office, shall upon application off the holders of certificates of purchase make a deed to such property sold and unredeemed, and make and deliver a deed to such property to such certificate holder, or his assignee, upon return of the certificate of purchase, payment of all subsequent taxes upon said property, and one dollar for the deed. Such deed shall be made by the tax collector in his official capacity, so signed by him, and acknowledged before some officer competent to take acknowledgments of conveyances, and shall invest the holder with the same rights as any other deed to real estate and may be in like manner recorded ; 9th, for failing to work the streets the person so failing shall be reported to the mayor by the marshal or other officer who shall oversee such work in such manner as may be provided by the ordinance, of said town, the mayor to try said defaulter after due citation to appear before him and assess a fine, if found guilty, at a rate not to exceed three dollars per day in default.

Redemption of lands.

Tax titles.

Failure to work streets.

SEC. 7. Be it further enacted, 1st, That the style of the ordinances of said town shall be : Be it ordained by the town of Ashford; 2nd, all ordinances and the publication thereof may be proven by the certificate of the clerk of the board, over his official signature; 3rd, all actions in the nature of prosecutions for the violation of town ordinances, to recover any fine, or to enforce any penalty under any ordinance in said town, shall be brought in the name of the town of Ashford as plaintiff.

Ordinances.

SEC. 8. Be it further enacted, That any person against whom a fine has been imposed for violation of a town ordinance, or failure to work the streets, may take an appeal from the judgment of the mayor, to the circuit court of Henry county by entering into bond with good and sufficient surety, said bond to be approved by the mayor in double the sum of the fine so imposed, conditioned upon the payment of any judgment as to fine and costs as may be rendered against him in said circuit court, said bond to be made within five days after the fine has been imposed, and upon entering into such bond, the mayor shall send a certified transcript of the proceedings of said cause as they appear upon the docket, together with the said bond, to the circuit court within the time and in the manner prescribed by the general laws relating to appeals from a judgment of a justice of the peace in civil cases. The board of aldermen shall on their first meeting after qualification, or as soon thereafter as practicable, elect a clerk either from among their own number or outside of the board, who shall have the custody of the corporate seal, whose duty it shall be to attend all meetings of the board, who shall provide himself, at the expense of the town, to be paid out of the general fund, a minute book in which he shall enter a full and accurate report of the proceedings of the board. He shall issue and cause to be served upon the councilmen notices of all special meetings of the board, and give notice to all persons whose presence may be needed before the board, or any committee thereof; when so directed he shall keep in a separate book to be kept for that purpose a record of all ordinances passed by the board, and at the foot of the record of each ordinance so passed, shall make a memorandum of the date of the passage, and the fact of the due publication of the same, as may be required by charter or ordinance, which record and memorandum, or a certified copy thereof, shall be for all purposes prima facie evidence of the passage of said ordinance, and the due and legal publication, printing or posting thereof. He shall be the clerk of the mayor's court, have the power to administer oaths on all lawful occasions, and shall, with the mayor, countersign all orders upon the treasurer for the payment of moneys ordered to be paid by the board of councilmen, and perform such other duties as may be imposed on him by the provisions of this act,

Appeals.

Clerk.

Duties of clerk

or by such ordinance and by-laws as may from time to time, be passed by the board. The board shall at their first regular meeting or as soon thereafter as possible,

Treasurer. elect one of their own number as treasurer, who before assuming the duties of the office shall enter into a bond as herein provided, and who shall be the custodian of all moneys belonging to the town, and shall deposit the same as the board may direct, and shall keep a faithful and true account of the same, and pay them out in such manner and under such regulations as the board may direct, and shall make reports to the board relative to the finances of the town as said board may direct, and perform all other duties as the board shall by ordinance prescribe.

SEC. 9. Be it further enacted, 1st. That the mayor

General duties of mayor. shall be the chief executive officer of the town and perform all such duties as are or may be prescribed by law or by the town ordinances, and shall take care that the laws and ordinances are faithfully executed. 2nd. The mayor shall from time to time lay before the board a full statement of the condition of the affairs of the town and shall recommend such measures as he may leem expedient; 3d. The mayor shall have power at all times to examine and inspect the books, records and pabers of any employee, agent or officer of the town; 4th. He shall have the power and jurisdiction of a justice of the peace of the same precinct in all matters, both civil and criminal, in the same manner and to the same extent as a justice of the peace; 5th. He shall be police magistrate of said town and impose the penalties prescribed by the ordinances or by this act, for the violation of the ordinances and by-laws of the town; Provided, that in no case shall the fine exceed one hundred collars; 6th. He shall have power to remove the clerk, marshal or any

Ibid. police officer of the town whenever he deems there is good and sufficient reason therefor, but he must file in writing, with the board, not more than five days after removal, his reasons in writing for so doing, and on his failure to file said statement with the clerk of the board, or if the board by a two-thirds vote, to be entered on the record, shall disapprove of such removal, the officer so removed shall thereby be reinstated in his office; 7th. He shall have power to punish for contempt by fine not exceeding six dollars, or by imprisonment not exceeding six hours or both.

SEC. 10. Be it further enacted, That the marshal and other police officers of said town shall have the authority and it shall be their duty to execute without warrant, arrest all persons breaking the peace, or violating any ordinance, and bring the offender before the mayor as, police magistrate, and the marshal have the authority to execute all processes issued by the mayor as ex officio justice of the peace. Police powers.

SEC. 11. Be it further enacted, That the provisions of this act shall go into effect on the date of its approval, and the present intendent and councilmen of said town shall have all the rights, powers and authority herein granted to the mayor and board of aldermen of said town, and the present intendent and councilmen of said town are hereby declared and made a board of aldermen for said town, and to perform ail the duties of said board until the second Monday in December, 1893, or until their successors are duly elected and qualified. When law takes effect.

Approved February 21, 1893.

No. 321] AN ACT [H. B. 868.

To establish a charter for the town of Clanton, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That-the inhabitants of the town of Clanton, in Chilton county, Alabama, shall be and continue a body politic and corporate by the name of the town of Clanton, and by tins name may sue and be sued, receive and grant, and do all other acts as natural persons in respect to the powers herein granted; may purchase and hold real and personal and mixed property, and use and dispose of the same for the benefit of said town, as the mayor and town council deem necessary and proper. Corporate name.

SEC. 2. Be it further enacted, That the corporate limits of said town of Clanton, shall embrace and include all the territory lying within one-half (1/2) of one mile in every direction from the court house, as now located in said town, and shall have police jurisdiction one mile beyond its corporate limits. Limits.

SEC. 3. Be it further enacted, That the government of the town of Clanton, and its corporate powers, shall be

exercised by a mayor and four councilmen, who shall be elected annually on the first Monday in April, by ballot, by the male inhabitants of said town entitled to register and vote under the laws of this State, and who have resided therein for thirty days next preceding such election; said election to be held on the first Monday in April, 1893, shall be held by three citizens of said town, to be appointed by the judge of probate of Chilton county, and all subsequent elections to be held by three citizens appointed by the mayor and councilmen of said town of Clanton. Notice of the election to be held on the first Monday in April, 1893, shall be given by the said probate judge, and of all subsequent elections by the mayor of said town, by posting three or more notices in public places within the corporate limits, or publication in some newspaper published in the town of Clanton. The polls on election day, above described, shall be opened at nine o'clock a. m. and closed at four o'clock p. m., and the election conducted in the same manner as elections for State officers. The managers of the election to be held on the first Monday in April, 1893, shall certify the result of said election to the judge of probate of Chilton county, whose duty it shall be to notify the , persons chosen of their election. And at all subsequent elections the managers shall certify the result to the mayor and councilmen of said town. In case any two persons offering for the same office shall receive an equal number of votes, then one of the managers, who shall be designated as chairman at the time of their appointment, shall give the casting vote, and shall give the persons elected a certificate of election. The persons so elected shall, before entering upon the discharge of their duties, take and subscribe the following oath: "I, A. B., mayor (councilman, clerk, marshal, policeman, treasurer, as the case may be), do solemnly swear that I will, to the best of my skill and ability, discharge all the duties incumbent on me without favor or affection, so help me God;" which oath shall be administered by a justice of the peace, and a certificate of it filed with the records of the town. The mayor and councilmen shall continue in office twelve months from the date of election, and until their successors are qualified, unless removed as hereinafter provided.

Elections.

SEC. 4. Be it further enacted, That the ballots cast at the election held under this act on the first Monday in

April, 1893, shall, after being counted, be carefully sealed up by the judge of probate of said county of Chilton and deposited with the clerk in charge of the papers and records of said town, when such clerk shall have been chosen; and the ballots cast at any subsequent election shall be carefully sealed up by the mayor and councilmen and by them deposited with the clerk of said town, who shall carefully preserve them for twenty days after t lie result of said election is declared, and then if there is no contest the said clerk shall cause the same to be burned in the presence of himself and mayor, but in the event of contest, shall be delivered to the court or judge trying the same. Preservation of ballots.

SEC. 5. Be it further enacted, That any election held under the provisions of this act may be contested in the same manner as is or may be provided by the laws of the State for contesting the election of probate judge, and all of the provisions of such laws, in relation to contesting the election of a probate judge shall, as far as the same are, or may be applicable, apply to contests of any elections held under this act. Contests.

SEC. 6. Be it further enacted, That no person shall hold the office of mayor or councilman of said town of Clanton who has not resided therein one year next preceding his election. Only residents hold office.

SEC. 7. Be it further enacted, That if the mayor or any councilman, during his term of office and after qualifying, shall die, resign, remove from the corporation, refuse to act, or be permanently disabled from acting, the remaining councilmen shall, by ballot, elect in his stead another mayor or councilman who shall have the qualifications prescribed by the sixth section of this act, and shall continue in office during the remainder of the term, and until his successor is elected and qualified, and if any person elected mayor or councilman by the qualified voters of said town at any election under this act shall refuse to qualify, the remaining councilmen shall, by ballot, elect in his stead, if mayor, one of their own body; if councilman, some person having the qualifications prescribed by the sixth section of this act, who shall continue in office during the remainder of the term, and until their successors are elected and qualified. Vacancy.

SEC. 8. Be it further enacted, That the councilmen shall be the judges of the qualifications of the mayor, Qualifications.

and mayor and remaining councilmen be the judges of the qualifications of a councilman.

SEC. 9. Be it further enacted, That a majority of the mayor and councilmen shall constitute a quorum for the transaction of business. The mayor and councilmen shall fix their own sessions, and special meetings may be called by the mayor at any time or by two of the councilmen. In case of the sickness or temporary absence of the mayor, the councilmen may appoint one of their number to act as mayor during such sickness or absence, and such mayor pro tempore shall exercise all the powers, and perform all the duties of the mayor, but the mayor shall not vacate his office by any temporary absence from said town or State.

Meeting of council.

SEC. 10. Be it further enacted, That it shall be the duty of the mayor to attend and preside and keep order at the meetings of the council, and hear and determine all cases of violations of all by-laws and ordinances or charter of said town, and he is hereby invested with power and authority to take jurisdiction of every violation of the laws and ordinances of said town, and to try and convict and punish the same according to the laws and ordinances of the town, and he shall have authority while holding his court to punish any contempt of his court by fine or imprisonment, or both, but the imprisonment shall not exceed twenty four hours, or the fine exceed twenty-five dollars; and the mayor may compel the attendance of witnesses on his court by fining them not exceeding twenty-five dollars, to be enforced as other fines are enforced, if they fail to appear and testify before him after being duly served with a subpoena. The mayor shall, at least every four months, make a written statement to the council of the town's financial condition, which shall be published in some newspaper published in the town, or by posting in three or more public places in the town.

Power and duty of mayor.

Bond of mayor

The mayor shall do and perform such other duties as the council may prescribe, and before entering upon the duties of his office shall give bond, to be approved by a majority of the councilmen, in the sum of five hundred dollars, payable to the town of Clanton, and conditioned for the faithful performance of his duties as mayor. Appeal from any decision of the mayor of said town may be taken or had in the same manner as is, or may be provided for taking appeals from a justice of the

peace court. The mayor of said town of Clanton is hereby invested with all the powers of a justice of the peace under the laws of the State of Alabama, and authorized to receive the same fees, but he shall give bond and qualify as a justice of the peace, before exercising any of the duties thereof. The mayor shall receive such salary as the council shall prescribe.

SEC. 11. Be it further enacted, That the mayor and councilmen shall have power to elect a clerk, treasurer, assessor and collector of taxes, marshal, policemen and such other officers and agents as may be necessary to execute the powers conferred on the corporation, or as may be deemed proper for the good government and welfare of the town; to prescribe their duties, liabilities and powers, to require of them bond with such security, and in such amounts as maybe deemed expedient for the faithful discharge of their duties; to remove or discharge at any time any or all of such officers or agents, a majority of the councilmen concurring in such removal; and to fix and regulate from time to time the compensation of such officers or agents of the corporation. Such officers and agents shall continue in office, unless removed, until the next annual election for mayor and councilmen and until their successors are qualified. All such officers as are or shall be required to give bond, shall do so before entering upon the performance of their respective duties.

Subordinate officers.

SEC. 12. Be it further enacted, That the town clerk shall keep a regular and complete record of the proceedings, orders, regulations and ordinances of the town, which shall be read to the council and signed by the mayor, and the same shall have the force and effect of a record, and the copy therefrom, certified to by the clerk, shall be prima facie evidence in any court of record or elsewhere, and said record shall at all times be open to inspection. The said clerk is hereby authorized to issue all executions, subpoenas and other process as may be accessary to enforce the collection of taxes, fines, forfeitures and other dues which may be owing to said town on any account.

Record kept by clerk.

SEC. 13. Be it further enacted, That the mayor and councilmen of the town of Clanton shall have full and complete powers:

1.To make and adopt by-laws and ordinances in what-

ever manner and upon whatever subject to carry out the powers herein granted and for the good government and order of said town, as they may think proper, and in addition to the powers herein specifically enumerated, which are no limitation upon the powers included in this general grant of power, to ordain and pass such ordinances and by-laws not inconsistent with the laws of the State of Alabama, as shall be needful for the government, public interest, welfare and good order of said town, and to affix thereto such penalties for the, violations of the same, by fine not exceeding one hundred. dollars, and by imprisonment or hard labor for the town not exceeding thirty days; and all persons convicted of any breach of the by-laws or ordinances of said town, failing to pay or secure such fine, may be imprisoned on such failure, or placed at hard labor for the town until such fine and costs are paid in such manner as the council shall direct, not longer than thirty days. Provided, that any person shall have the right to give a stay bond with two good and sufficient sureties, to be approved by the mayor, to pay such fine and costs within thirty days. from judgment imposing the same; but if, after such bond and security, such fine and costs are not paid within thirty days, execution to collect the same may be issued against the obligors on said bond. The council may pass all needful laws to compel persons to work in the streets or elsewhere in the town, when under the mayor's sentence for violating any town ordinance.

General powers of council.

Convictions and penalties.

2. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into said town, and all that could be passed under full and complete quarantine powers, and to preserve the health thereof.

Health.

3. To prevent and remove all nuisances at the expense of the person causing the same, or on whose premises the same maybe found; to remove all decayed and dilapidated houses and structures, calculated to produce disease or contagion, or dangerous or unfit for habitation, at the expense of the owners of the same, when they fail or refuse, upon reasonable notice, to remove or repair and renovate such houses and structures.

Nuisances.

4. To tax, license, regulate and restrain theaters and other amusements, and said mayor and councilmen shall also have power to pass all proper ordinances for the

Licenses.

punishment of public drunkenness within the police jurisdiction of said town.

5. To restrain or prohibit gambling, gambling houses, houses of ill fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, prize fighting and anything else hurtful to the good order and morals of society, and all violations of State laws. Gambling.

6. To appoint and regulate night and day watchmen.

7. To open, repair, locate, establish and regulate streets and alleys, and to change, alter or abolish and vacate them, or any part thereof; to establish pavements and sidewalks, and curb and grade them and regulate the same, and make all salutary laws with respect to the use of the streets and sidewalks, and to this end is authorized to require each male inhabitant of said town, between the ages of 18 and 45 years, not physically disabled, to perform labor upon said streets for a period of not more than ten days in each year; and may collect in lieu of such labor a street tax of not more than five dollars, and shall have full power and authority to require the owners of property adjacent to the sidewalks in said town to keep the said sidewalks in repair, and shall have full power and authority to enact ordinances in reference thereto, providing for the building and repair thereof by the town, to be taxed against and collected out of such adjacent property, on the failure of the owners to repair the same on notice from the town to do so. Streets and sidewalks.

8. To lay out, regulate and control cemetery burial grounds, and to sell burial lots in the same.

9. To regulate running of cars or locomotives on or across streets and alleys of said town.

10. To pass all necessary and proper laws for the arrest, with or without a warrant, of all offenders against the town ordinances or State laws, and to confine such persons until tried, convicted or discharged by law.

11. To pass laws and ordinances in relation to auctioneers plying their vocations on the streets, and to prohibit or regulate the same.

12. To make and ordain all necessary laws concerning idlers, paupers, prostitutes, gamblers, disorderly or vicious persons, in correcting or restraining their vicious habits, and to compel such persons to give bond and security, to be approved by the mayor, for their good be- Vagrants.

havior for a reasonable time, or upon their failure or refusal to give such bond and security, for their condemnation to hard labor for the town for a limited time, not exceeding thirty days.

13. To punish all persons who obstruct the police or other officers or agents of said town in the arrest of any person in the town, or in the lawful discharge of any duty about the town, and to punish any and all persons who, when called upon to aid in the arresting of any person, shall fail to give such aid.

Obstructing Officers.

14. To regulate and control the keeping and storage of gunpowder or other dangerous material, guano or other commercial fertilizer within said town.

15. To exercise the power of eminent domain, and condemn private property for streets, alleys, drains, public parks or squares.

16. To have and exercise full police powers in said town, to prevent crime and arrest offenders, to protect the rights of persons and property, to preserve the public peace, and for this purpose may command the aid of the sheriff of Chilton county.

Police powers.

17. To impose and collect from all persons or corporations carrying on any business, occupation or trade, by agent or otherwise, within the limits of said town, a license tax on such business, occupation or trade, which shall be fixed by ordinance from time to time, and the amount regulated as the council may deem fit, and collected as other taxes; and may also by ordinance impose such fines and penalties as they may deem advisable for the doing of any business or the carrying on of any occupation or trade by any party who shall fail to take out such license as may be required by ordinance.

Licenses.

18. To regulate and control the planting of shade trees on the streets, alleys and public places of said town.

Trees.

SEC. 14. Be it further enacted, That the mayor and councilmen of said town of Clanton are hereby empowered to do all things that are necessary to carry out the powers herein granted, and no technical informality, neglect or omission in the proceedings or record of said town shall in any wise effect the validity of their proceedings.

Full powers.

SEC. 15. Be it further enacted, That the mayor and council men shall have authority to levy taxes on the

Taxes.

real, personal and mixed property within said town of Clanton, except such as is or may be exempt from taxation under the laws of the State, on auction sales of merchandise, on capital, on itinerant or transient merchants, and on any business, occupation or trade carried on in said town.

SEC. 16. Be it further enacted, That the said tax on real and personal estate shall not in any one year exceed one-half of one per cent. on the value of such property as assessed for State taxation during the preceding year, and shall be levied according to assessment made under such rules and regulations as the mayor and councilmen may adopt, and it shall be their duty to review, equalize and correct such assessments. Rate of taxation.

SEC. 17. Be it further enacted, That all taxes assessed or levied in pursuance of authority conferred by this act shall have the force and effect of a judgment and execution at law, and shall constitute a lien upon the property assessed, and on all other property of the party against whom assessed within the corporate limits of said town; and the person appointed to collect such taxes must, on failure to pay, collect the same by levy and sale of the property of the person to whom assessed, or if assessed to owner unknown, by sale of the property. All such sales of property for the non-payment of taxes, must be after thirty days' notice by advertisement in a newspaper published in said town. The person appointed to collect such taxes shall make such sales under such rules and regulations as the council may prescribe, and shall give to the purchaser of any real estate so sold a certificate of purchase in such form as the council may prescribe, which certificate shall be prima facie evidence of the regularity of all previous proceeding, and of all the facts stated therein; and also that the requirements of the law in reference to the levy and assessment of the taxes and sale of the property have been complied with. The same rights of redemption are given as are provided by the laws of the State. Tax liens. Tax sales.

SEC. 18. Be it further enacted, That all acts and parts of acts in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 21, 1893.

No. 322] AN ACT [H. B. 809

To amend an act entitled an act to authorize the commissioners court of Henry, Pickens and Dale counties to establish or abolish districts in which live stock may be prevented from running at large, approved December 9th, 1887, so far as the same relates to Pickens county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "an act to authorize the commissioners court of Henry, Pickens and Dale counOriginal act. ties to establish or abolish districts in which live stock may be prevented from running at large," approved December 9th, 1887, so far as the same relates to Pickens county, be, and the same is, hereby amended so as to read as follows:

SEC. 2. Be it further enacted, That the commisDistricts estab- sioners court of Pickens county may establish districts lishes. in said county in which live stock shall not be allowed to run at large, or it may abolish such districts, hereafter established, in the manner hereinafter provided.

SEC. 3. Be it further enacted, That whenever any ten land owners, regardless of their place of residence, petition said court in writing, stating that they desire an order to be made establishing a district wherein live stock shall not be allowed to run at large, fully describing such district, and stating that petitioners own land in such district, and when there are not ten land owners residing in said district, then a majority of Petition for said land owners of such district, regardless of their stock district. place of residence, or if such petition is to abolish such a district, or portion thereof hereafter established, the petition must describe the district clearly, and state that the petitioners own land in such district, that in either case the petition must be filed with the probate judge of said county at least thirty days before the next term of the commissioners court, and the petitioners must post a notice of said application at the court house door, and copies thereof in three public places in the district described in the application or petition, at least thirty days before the term at which the same is to be heard, and three consecutive

notices of the application must be given in a newspaper published in the county, of the day of hearing such application.

SEC. 4. Be it further enacted, That said court of county commissioners must, if such petition or application is filed thirty days before the term commences, and such notices are posted and published as above provided, hear the petitioners, and must also hear any person who may be opposed thereto, residing in, or who may own land in the proposed district to be established or abolished; and must make an order granting or dismissing such petition, in whole or in part; such order must clearly describe the district therein established or abolished; such order to go into effect forty days after it is made, if such order abolishing a district, or a portion thereof hereafter established, such order shall operate as a repeal of the order or law establishing such district or portion thereof abolished by said order, and on the hearing and decision of applications under this act, it shall be the duty of said court to hear and consider the claims or reasons advanced by both sides, in which all parties who are residents of, or who own land in the proposed territory, may participate, and such expression can be given on petition, or by personal attendance at the hearing. If such order establishes a district in which live stock are not allow to run at large, the owner of any such stock running at large in such district, or in a district already established, shall be liable to the party injured for the damage done by said stock to any land or to any crops, fruit trees, shrubbery or other property in said district. The party injured shall have a lien, superior to all other liens, on the stock doing such damage, for all the damage done by said stock.

Hearing petition.

Liability for trespass.

SEC. 5. Be it further enacted, That whenever any damage has been done to any property in said district or districts, by live stock running at large in violation of the provisions of this act, the party whose property has been damaged may, within three days after such damage was done, make complaint against the owner of the stock doing the damage to a justice of the peace of the precinct in which the damage was done, describing the property damaged, and the stock doing the damage, and whenever such complaint is made to the justice of the peace, he

Complaint.

shall issue notice to the owner of such stock commanding, him to appear and answer such complaint on a day not less than three nor more than ten days, from the issuance of such complaint. If the owner of said stock appears on the day he is commanded to appear, and answer said complaint, the justice of the peace shall try said cause and render such judgment therein as the justice of the case demands. But if the owner of the stock does not appear and answer, after having been duly notified as provided above, the justice of the peace shall give judgment for the complainant for such damages as he may have sustained. If upon the trial, judgment be rendered for the complainant, the justice of the peace shall also render judgment condemning the stock doing the damage to be sold for the satisfaction of such judgment, and the cost of the suit, together with the reasonable expense of the keeping of such stock, if the same shall have been taken up, which expense shall be determined by the justice of the peace trying the case, and shall constitute a part of his judgment in favor of the complainant, and he shall issue execution on such judgment commanding any constable of the county to levy on and sell such stock, describing them in the execution for the satisfaction of the judgment and costs.

Judgment.

SEC. 6. Be it further enacted, That either party shall have the right to appeal from the judgment of the justice of the peace to the circuit court of said county of Pickens. Said appeal to be taken within ten days after judgment; appeal bond to be given as in other causes appealed from the judgment of justices of the peace.

Appeal.

SEC. 7. Be it further enacted, That it shall be the duty of the complainant to demand of the owner of the stock injuring his property compensation for the damages he has sustained from their depredations, and a reasonable amount for the expense of keeping them, if taken up before making complaint to the justice of the peace, and his complaint must allege that the demand way made and such compensation refused. If upon trial it is shown that such a demand was never made, or that said owner of said stock tendered to complainant a full and just compensation for the damages he has sustained, and the reasonable expense incurred in the keeping of the stock if taken up, the suit shall be dismissed at the cost of the complainant.

Compensation demanded.

SEC. 8. Be it further enacted, That the owner or manager of any live stock, who shall knowingly suffer such stock to run at large in violation of the provisions of this act, shall be guilty of a misdemeanor, and on conviction, shall be fined not less than two nor more than twenty-five dollars. Justices of the peace shall have jurisdiction of offences under this section. All prosecutions under this section must be commenced in twenty days after the commission of the offense, and that the party injured by such stock shall alone have the right to institute such prosecution. Prosecutions.

SEC. 9. Be it further enacted, That any person who shall drive or entice upon his premises for the purpose of demanding compensation the live stock of another, or shall permit the same to depredate after their discovery, for the same purpose, shall be guilty of a misdemeanor, and on conviction before a justice of the peace, who shall have jurisdiction of this offense, shall be fined not leas than one nor more than fifty dollars. No conviction shall be had under this section unless prosecution for a violation of the same is commenced in thirty days from the commission of the offense. Penalty for causing trespass.

SEC. 10. Be it further enacted, That it shall be the duty of the party taking up the stock to inform the owner of the stock without unnecessary delay, and shall if said owner fails or refuses to pay for the damages done, and a reasonable amount for the keeping of such stock, if taken up, deliver, if demanded, said stock to said owner, who shall keep said stock subject to the lien above created, until the suit before the justice of the peace has been decided or until the time for the commencement of said suit has expired; and if said stock is condemned, it shall be the duty of the owner to surrender the same to the officers to satisfy the judgment. Any person having such custody of stock, who shall dispose of the same in violation of the provisions of this section, shall be guilty of a misdemeanor, and on conviction before a justice of the peace shall be fined by him not less than five nor more than five hundred dollars. Taking up stock.

SEC. 11. Be it further enacted, That the live stock of parties who reside upon the land outside of a district in which live stock may hereafter be prevented from running at large, shall not be liable for damages done to the property of any person living in said district, unless

said person living in said district shall keep up a lawful fence upon a dividing line between themselves and said non-resident; said fence to be kept up by the landowners of the district, and any failure to keep up such fence as required by this act, shall be good cause for revoking the order establishing such district, such order not to be made except upon notice and hearing as hereinbefore provided. Any person living outside of any district that may hereafter be established, shall not be criminally liable under this act, and that this act shall not be construed as repealing the law of partition fences as to liners, where said line fence is or may hereafter be used by the parties as the boundary line between the parties living outside of said district; Provided, that any person who shall wilfully injure, destroy or interfere with said line fence, shall be fined by the justice of the peace, trying the cause, not less than ten nor more than three hundred dollars.

Stock outside of district.

Line fence.

SEC. 12. Be it further enacted, That any person taking up live stock belonging to an unknown owner, after having made reasonable effort to ascertain the ownership of said stock, shall report the same to the justice of the peace, fully describing the same in his complaint, claiming damages; and it shall be the duty of said justice of the peace to cause notice to be posted in three public places near the land of complainant, fully describing the stock, and stating the day upon which the complaint will be heard, and shall proceed in all respects as if the owner was known.

Reporting stock.

Approved February 21, 1898.

No. 323 AN ACT [H. B. 867.

To provide for payment of State witnesses in Habeas Corpus cases in the county of Wilcox.

Section 1. Be it enacted by the General Assembly of Alabama, That witnesses in behalf of the State in habeas corpus cases before the probate judge of Wilcox county, shall be paid in the same manner of other State witnesses, Provided, that this act shall only apply to the county of Wilcox, and shall be effective concurrent in date with the bill to provide for the payment of State wit-

nesses in the circuit court, county court, and before the grand jury of Wilcox county, which bill was approved December 12, 1892, by the governor of Alabama.

Approved February 21, 1893.

No. 324.] AN ACT [s. B. 834.

To establish a branch agricultural experiment station and agricultural school in southwest Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That a branch agricultural experiment station and agricultural school to be known as the southwest Alabama agricultural and experiment station and agricultural school is hereby established.

SEC. 2. Be it further enacted, That the commissioner of agriculture shall locate said station and school in south west Alabama, within the territory, embraced in the counties of Escambia, Baldwin, Conecuh, Monroe, Clarke, Washington and Choctaw. Location.

SEC. 3. Be it further enacted, That the board of control of said station and school shall be composed of the commissioner of agriculture and the directors of the agricultural experiment station at Auburn, Ala., and five progressive farmers who are actually engaged in cultivating the lands within the territory specified in section two of this act, the same to be appointed by the governor, three of whom must reside within ten miles of said station. The members of the said board must not receive any compensation other than expenses actually incurred in visiting the station and while there supervising their affairs. Board of control.

SEC. 4. Be it further enacted, That the said board of control shall have power to pay the director a reasonable salary for his supervision of said station, not to exceed two hundred and fifty dollars, from the amount hereinbelow appropriated, and the said board of control shall also have power to elect the principal and teachers of said school, and manage said school and station as in their judgment they think best. Pay of supervisor.

SEC. 5. Be it further enacted, That for the equipment

and improvement of said station and school, there is hereby appropriated out of the funds of the agricultural department in the treasury not otherwise appropriated,

Appropriations.

the sum of two thousand five hundred dollars for the first year, and an equal sum for each year thereafter. Six hundred and twenty-five dollars of which sum shall be paid quarterly, to-wit : First of January, first of April, first of July and first of October to the treasurer of said board of control at said station.

Purchase of lands.

SEC. 6. Be it further enacted, That the board of directors has authority to purchase suitable lands, not to exceed in quantity fifty acres for said station, taking the title to the State, and to construct thereon the necessary buildings and other improvements, not expending more than fifteen hundred dollars of the appropriation herein made for said station, in making such purchase and in the construction of such buildings and improvements for said station and school. The board also has authority to appoint and discharge at pleasure such officers, agents and servants, as are deemed necessary to the operation of the station, fixing their compensation, and may appoint a director to conduct the operations of the station, under the superintendence and direction, and subject to the rules and regulations of the board.

Experiments.

SEC. 7. Be it further enacted, That the board must cause such experiments to be made at the station as will advance the interest of scientific agriculture, particularly on the lands included in the territory named in the second section of this act, and to cause such chemical analysis to be made as are deemed necessary. All such analysis, if requested, to be made under the supervision of the commissioner of agriculture by the chemist of the agricultural department without charge.

SEC. 8. Be it further enacted, That said board of control may adopt such rules and regulations as they may deem necessary for the proper carrying out the provisions of this act.

Approved February 21, 1893.

No.325.] AN ACT [H.B.710

To incorporate the town of Gum, in the county of Marion and State of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the town of Guin, in the county of Marion and State of Alabama, be and the same is hereby incorporated, and the corporate limits of said town shall contain the following territory: S E 1/4 and S 1/2 of N E 1/4, section 33 ; S W 1/4 and S 1/2 of N W 1/4 , section 33, township 12, range 13, and the present and future inhabitants of said town shall be and continue a body politic and corporate under the name and style of "The town of Gain," under and by which name and style the corporate authorities may sue and be sued, either in law or equity, and may purchase and hold property not to exceed one thousand dollars, and to do all acts incident to bodies corporate. Limits.

SEC. 2. Be it further enacted, That the government of said town shall be styled mayor and council of Guin and shall consist of a mayor and five councilmen, who shall be citizens and householders of said town, and shall serve for the term of one year and until their successors are elected and qualified ; said officers to be elected by the qualified electors, who shall possess the other qualifications of electors under the constitution, and shall have resided in said town for thirty days preceding the election, and before entering upon their official duties shall take an oath to support the constitution of the State and the oath of office therein contained. Government.

SEC. 3. Be it further enacted, That the regular election for said officers shall be held annually on the first Monday in February, and shall be conducted by two or more qualified electors appointed by the mayor for that purpose, and said mayor so elected shall ex officio be a justice of the peace, with jurisdiction concurrent with the circuit and county courts of said county to try all misdemeanors committed within said corporate limits, and to have all the jurisdiction of notaries public in said county of Marion, Alabama. The mayor and councilmen shall determine the legality of elections and declare who are the duly elected officers and in the case of a tie shall determine who shall be mayor and councilmen, but the Election of officers.

corporation shall not be dissolved should there be no election as herein prescribed, in which case the mayor, with the consent of the councilmen, shall forthwith order an election to be held on some day within thirty days thereafter.

SEC. 4. Be it further enacted, That should a vacancy occur in the office of mayor or councilmen, such vacancy shall be filled by the remaining number of the board.

Vacancies.

SEC. 5. Be it further enacted, That the mayor and councilmen of said town shall have power, 1st, to employ a clerk who in addition to his general duties shall assess the taxes; a marshal, who shall collect the taxes, also to employ counsel for advice and for the prosecution of offenders, and for the defense of all suits against said town; a treasurer whose duty it shall be to receive, safely keep and disburse the funds and money belonging to said town; 2nd, to determine the fees and salaries of officers; 3rd, to enact such laws and ordinances as may be necessary to maintain the powers herein granted; 4th, to prevent and remove nuisances at the cost of the person or persons causing them or on whose premises they are found; 5th, to license, tax, regulate or restrain, any or all shows or exhibitions, public concerts, amusements, or other entertainments; 6th, to prohibit all disorderly houses, houses of ill fame, racing, prize fighting, cock fighting, gaming and gaming houses within the limits of said town; 7th, to prevent and punish breaches of the peace and disorderly conduct, to define and punish vagrancy, and to punish all other misdemeanors known to the laws of the State; 8th, to establish night and day police; 9th, to prevent and punish all unlawful assemblies; 10th, to prevent and punish violations of the sabbath, any disturbance or interference with public or private worships, to punish profane, abusive, insulting or obscene language, or indecent exposure of the person, or other improper exhibitions; llth, to prevent and punish wanton, willful or malicious mischief to houses, fences, fruit, shade or ornamental trees, animals or other property within the, corporate limits of the town; 12th, to keep in repair the public streets, sidewalks, alleys, avenues, bridges and wells of said town; to, keep them

Subordinate officers.

General powers.

free from obstruction, to widen and change their directions, to discontinue or close them when expedient, and to open new ones; 13th, to prohibit any person or persons from selling, giving away or otherwise disposing of any vinous, spirituous, or malt liquors, or other intoxicating beverages, or intoxicating bitters, or concoction of any kind, within the corporate limits of said town; 14th, to license and tax billiard and pool tables, bowling alleys and peddlers; l0th, to punish by fines not exceeding twenty dollars, and imprisonment or hard labor or both for not exceeding thirty days, any breach or violation of the laws, ordinances, by-laws and regulations of said town, and to impose additional hard labor and imprisonment for non payment of fines and costs, not inconsistent with the laws of this State; Provided, that in all cases wherein judgment shall have been ordered against any person, he shall be entitled to an appeal to the circuit court of Marion county, Alabama, under the rules and regulations prescribed by the laws of the State for causes tried in the county court; and provided further, that in all cases of appeal from the mayor's court to the circuit court where the defendant is convicted the fine and cost assessed against him in said court shall be collected in money and paid over to the treasurer of the town; 16th, to enact such laws and ordinances as may be necessary to regulate and govern hiring the convicts of the town, not inconsistent with the laws of the State; 17th, to take care of, remove, preserve, designate and regulate all burying grounds within the town.

Ibid.

Trails and appeals.

SEC. 6. Be it further enacted, That said corporation shall have power to levy on all property, real and personal or mixed, within the corporate limits of the town, such taxes as may be necessary to defray the expenses of said corporation, not to exceed the rate prescribed by the constitution and laws of the State for municipal corporations, and to enforce the collections of the same according to the provisions of this act.

Taxes.

SEC. 7. Be it further enacted, That an assessment of all the property within the limits of the town, subject to taxation by the laws of the State, shall be

made annually to the owner of said property, when known, otherwise to owner unknown, and upon failure or refusal of any person to give in his or her property when required to do so, the assessor shall and must proceed to assess the same from the best information he can obtain. The assessment when completed must be returned to the mayor and councilmen, who shall cause ten days notice to be given by posting up three written notices of the time and place when corrections will be made. When corrections shall have been made as above provided, the assessment must be marked "approved." The assessment so approved shall have the force and effect of a judgment and execution, and in failure on the part of the owner of any property to pay said taxes, the marshal or person collecting taxes may collect the same by levy upon and sale of such property, or any other property of any kind owned by such delinquent tax payer; Provided, that no property of any description shall be exempt from taxation by the town, except such property as is exempt from taxation by the laws of the State; and provided further, that all sales of property under the provisions of this act must be advertised by posting written notices, in three places for 15 days or more, which notice must contain a description of the property so levied upon, the name of the person to whom assessed, when known, and the amount of taxes for which it is to be sold. Certificates of purchase must be given by the officer making sale of said property similar in form to those given in sales of property for the collection of State and county taxes, and shall have the force and effect of transferring title thereto. The time and right of redemption of real property so sold shall be the same as provided for by the laws of the State, and at the expiration of the time for the redemption of property sold, the mayor must, upon presentation of the certificate of purchase, execute a deed to the purchaser of said property in accordance with the laws of the State in relation thereto, and shall be entitled to the same fees therefor as provided in other cases.

Assessment of taxes.

Tax sales.

Redemption.

SEC. 8. Be it further enacted, That all persons re-

siding within the corporate limits of said town who are liable to road duty shall be liable and are hereby required to work on the streets and roads in said town, not exceding ten days in any one year; Provided, that all such persons shall be exempt from such duty by paying such street tax as the corporate authorities may impose, not exceeding five dollars in any one year, and all such persons exempt from road duty by the laws of the State are also exempt from road or street duty within the corporate limits of said town. Work on streets.

SEC. 9. Be it further enacted, That the mayor of said town of Guin shall have jurisdiction of and power to try all violations of the laws and by-laws and ordinances of said town, and jurisdiction concurrent with the county and circuit courts of all misdemeanors known to the laws of the State committed within the corporate limits of said town, and shall have power to punish by fine or imprisonment all contempt of court or process, and in case of the absence of the mayor, or in case where he is related to the defendant, or otherwise interested in the case, it shall be lawful for either one of the councilmen to act in the mayor's place. Jurisdiction of mayor.

SEC. 10. Be it further enacted, That the marshal shall have the same power to arrest offenders, execute process and enforce the laws and ordinances of the town as sheriffs have, and shall be vested with the same authority in the discharge of his duties as is conferred upon sheriffs by the laws of the State. He shall also have power to arrest offenders for offenses committed in his presence or for offenses which he has probable cause to believe were committed within the corporate limits of said town, and keep them in custody until trial unless bail is given. Powers of marshal.

SEC. 11. Be it further enacted, That in addition to the powers hereinbefore granted, the mayor and councilmen of said town shall have power to pass any laws and ordinances necessary for the peace, health and good government of the inhabitants of the town. Other powers.

SEC. 12. Be it further enacted, That no prosecution, suit or claim whatever, pending or to be brought under existing laws of said town, shall in any manner be effected, impeded or altered by the passage of this act,

and all the existing ordinances, by-laws and regulations
Former laws not abrogated. of said town of Guin, adopted in pursuance of the original charter of said town and not inconsistent with the provisions of this act, or the constitution and laws of the State of Alabama, shall be and remain in full force and effect, as the by-laws and ordinances of said town until repealed, changed or modified by the mayor and councilmen under this act, and that the present officers of the said town of Guin shall be subject to the provisions of this act in all things that pertain to their official duties, and shall be vested with all the power and right conferred by this act during their term of office, and until their successors are elected and qualified.

SEC. 13. Be it further enacted, That before the mayor, treasurer or marshal of said town shall enter upon the
Official bonds. discharge of their duties, the mayor shall give a one thousand dollar bond, to be proven and held by the councilmen, with condition to faithfully discharge the duties imposed upon him, and payable to council of Guin. The treasurer to give bond in same manner and purpose as the mayor, and councilmen of said town to set the size of his bond each year. The marshal to give a five hundred dollar bond, same provisions as mayor's bond in this section.

SEC. 14. Be it further enacted, That all laws and parts of laws in conflict with this act shall be inoperative against the provisions hereof.

Approved February 21, 1893.

No. 326.] AN ACT [H. B. 683

To establish the Fairfield School District in Geneva county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the following described territory, situated in the county of Geneva, shall constitute a separate school
Limits. district, to be known as the Fairfield School District, to-wit: Sections 29, 30, 31 and 32 in township 2, range 22; also, sections 25, 26 and 35, and 36 in township 2, range 21.

SEC. 2. Be it further enacted, That all persons out-

side of the district, as described in the foregoing section of this act, and within one mile of the line, shall have an optional right to be included in the school district, the choice of such person to be final.

SEC. 3. Be it further enacted, That said district shall receive its pro rata of all public school revenues, and shall be managed and controlled as prescribed by law for other school districts in said county. Funds.

SEC. 4. Be it further enacted, That this act shall take effect immediately after its passage.

SEC. 5. Be it further enacted, That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

Approved February 21, 1893.

No. 327.] AN ACT [H. B. 52

To prescribe the manner or method that corporations or individuals employing labor in this State shall use checks or due bills in their business; Provided, the provisions of this act shall apply only to the counties of Jefferson, Bibb, Tuskaloosa, DeKalb and Washington.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any corporation or individual employing labor in this State and issuing to them, from time to time, checks for their labor or service, shall pay whatever amount is left over un punched or unpaid at the end of the current month to the original holder thereof, in money at their regular pay day for the succeeding month, or when presented thereafter; Provided, the provisions of this act shall apply only to the counties of Jefferson, Bibb, Tuskaloosa, DeKalb and Washington. Balance left over.

Approved February 21, 1893.

No. 328.] AN ACT [H. B. 921.

To prohibit the selling, giving away or otherwise disposing of any spirituous, vinous or malt liquors, intoxicating beverages or bitters, or fruits preserved in alcoholic liquors, within one mile of Mt. Gilead Baptist Church, in Beat 14, in Covington county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act it shall not be lawful for any person or persons to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, intoxicating beverages or bitters, or fruits preserved in alcoholic liquors, within one mile of Mt. Gilead Baptist Church, in Beat 14, in Covington county, Alabama.

SEC. 2. Be it further enacted, That any person vio-
Penalty. lating the provisions of section one of this act, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars and imprisonment in the county jail for not less than two months.

Approved Feb. 21, 1893.

No. 329.] AN ACT [H. B. 777.

To incorporate the Collinsville High School in De Kalb county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That J. T. Miller, O. L. Hall, A. J. Vaun, B.
Corporate body. A. Nowlin and M. B. Cunningham be, and they are, hereby created a corporation and body politic, with power of succession to continue for such length of time as they or their successors may see fit, and their successors shall have all the corporate powers and privileges herein conferred upon them.

SEC. 2. Be it further enacted, That the name of said corporation shall be Collinsville High School, in the
Name and powers. town of Collinsville, in DeKalb county, Alabama, and that said corporation and their successors shall have

power, under and by virture of said corporate name, to maintain at Collinsville a high school for the education of the males and females of the white race, and to grant diplomas to all persons who shall complete the course of study which shall be adopted by said high school, and to do and perform all other acts and thing which are or may be necessary or proper in carrying out the purpose of a regular high school.

SEC. 3. Be it further enacted, That the said corporation or their successors shall have power under said corporate name to acquire, have, own, receive and possess by gift, grant, purchase, devise, bequest or otherwise, real and personal property, and shall have power to dispose of said property by sale, grant or otherwise, and shall have such other rights and powers as are granted by private corporations under existing laws. Owning property.

SEC. 4. Be it further enacted, That said J. T. Miller, O. L. Hall, A. J. Vaun, B. A. Nowlin and M. B. Cunningham, or their successors, shall elect the principal, either by appointment or directly, and when such principal shall have been appointed or elected, said principal may appoint, or else assist the said corporators to elect such other instructors as maybe required, who, when so elected or appointed, shall constitute the faculty of the Collinsville High School. Faculty.

SEC. 5. Be it further enacted, That the faculty of said high school, under the supervision of said corporation, may instruct in any of the arts and sciences, may grant diplomas, certificates of scholarship, and may confer such degrees of literary or scientific distinction as are usually conferred by high grade schools in the United States. Diplomas.

SEC. 6. Be it further enacted, That the faculty of said high school may grant to students of said high school certificates of proficiency in all brances of study completed by said students in such high school, after having examined them in said branches as required by the school laws of the State of Alabama. Certificates.

SEC. 7. Be it further enacted, That said corporation may acquire, own and use property, real and personal, not to exceed in amount the sum of twenty-five thousand dollars ($25,000), not including any endowment fund that may hereafter be procured, and the said Property exempt from tax.

property hereby authorized to be owned and used with any endowment funds, shall be exempt from taxation, whether State, county or municipal.

SEC. 8. Be it further enacted, That this act shall take effect from and after its passage.

Approved February 21, 1893.

No. 330.] AN ACT [H. B. 981.

For the relief of John T. Dean, of Chambers county, Alabama.

WHEREAS, John T. Dean, an ex-Confederate soldier of Chambers county, Alabama, is disabled by disease from doing manual labor; and

WHEREAS, Said John T. Dean's disabilities are such that he cannot be exempted from obtaining license to peddle under the general laws, should he desire; therefore

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act John T. Dean be permitted to peddle in the State of Alabama, with a one or two horse wagon, as he may elect, without obtaining a license therefor.

Approved Feb. 21, 1893.

No. 331.] AN ACT [H. B. 947.

To provide for the compensation of the superintendent of the county poor house in Limestone county.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act the compensation of the superintendent of the county poor house in Limestone county for board of inmates shall be the same as that allowed by law, at any time, to the jailer of this county for the board of prisoners.

SEC. 2, Be it further enacted, That all laws and parts

of laws in conflict with section one of this act are hereby repealed.

Approved Feb. 23, 1893.

No. 332.] AN ACT [H. B. 971

To extend the provisions of an act entitled an act for the relief of needy Confederate soldiers and sailors, residents of Alabama, who, from wounds or other cause, are now unable to earn a livelihood, and for the widows of such as were killed or died in said war, and have not since re-married, approved February 13,1891, so far as relates to the filing of written applications for the year 1892.

Section 1. Be it enacted by the General Assembly of Alabama, That, whereas, there are a number of needy Confederate soldiers and sailors, residents of Alabama, who, by reason of sickness, inability or ignorance of the act, failed to avail themselves of the provisions of an act entitled an act for the relief of needy Confederate soldiers and sailors, residents of Alabama, who, from wounds or other cause, are now unable to earn a livelihood, and for the widows of such as were killed or died in said war, and have not since re-married, approved February 13, 1891, by failure to make the proof required in section 1 of said act within the time prescribed therein; and

WHEREAS, The fund colllected under the provisions of the act for the year 1892, has not been expended; therefore,

Be it enacted by the General Assembly of Alabama, That any person who is entitled to the benefits of said act, but who, by reason of sickness, inability or ignorance of the provisions of said act failed, before the first day of June, in the year 1892, to present a written application to the judge of probate of the county in which he resided, as provided in said act, shall have until the first day of June, 1893, to file such written application, and upon the filing of the same, as provided in said act, shall be entitled to receive his pro rata share of the funds therein provided for, the same as

Time extended

if he had filed his application before the first day of June, 1892.
Approved Feb. 21, 1893.

No. 333.] AN ACT [H. B. 755.

For the relief of R. S. McWhorter, late tax collector of Lowndes county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the State auditor is hereby authorized and required to re-open the settlements of R. S. McWhorter, late tax collector of Lowndes county, with the State, and to allow him such credits as he may be entitled to as such collector, and whatsoever sums may be found to be due said McWhorter, whether of general taxes or poll-tax overpaid by him, shall be paid out of such fund by warrants drawn by the State auditor, if he finds that such over payments have been made.
Approved February 21, 1893.

No. 334.] AN ACT [H. B. 910

For the preservation of game animals and birds in Russell county.

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act it shall be unlawful at any place in Russell county, to catch, kill or injure, or pursue with such intent, any wild turkey between the first day of May, and the first day of October, or to remove or destroy eggs from the nests of the same at any time; and it shall also be unlawful to catch, kill, injure or pursue with such intent any turtle dove, sometimes called mourning dove, between the first day of April and the fifteenth day of July; and it shall be unlawful to catch, kill, injure or pursue with such intent, any quail, sometimes called partridge, betwen the 1st day of March and the first day of October, or to break up or destroy the nests of same by removing eggs therefrom.

What birds protected.

SEC. 2. Be it further enacted, That it shall be unlawful for any person to catch, kill, injure or pursue with such intent, any of the above named birds for the purpose of selling or bartering them. Killing for sale.

SEC. 3. Be it further enacted, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall be on conviction fined not less than five nor more than twenty dollars at the discretion of the jury trying the same. Penalty.

Approved Feb. 21, 1893.

No. 335.] AN ACT [H. B. 652.

To better provide for the establishment and working of the public roads in Tallapoosa and Randolph counties.

SECTION 1. Be it enacted by the General Assembly of Alabama, That on the first Monday in February, 1894, it shall be the duty of the justices of the peace of each beat or road district, to meet and appoint a good and competent overseer for each public road in the beat or road district; such overseer shall serve for two years; and every two years thereafter, on the first Monday in February, they shall meet and appoint overseers who shall hold their office for two years, and shall commission such overseers in ten days after their appointment. Time of appointing overseers.

SEC. 2. Be it further enacted, That the justice of the peace shall divide his beat or road district into such sections or road precincts, as they may deem most convenient, and make such changes in the same from time to time as they may deem best, and appoint an overseer for each section or road precinct, who shall serve two years, and within ten days after the overseer is appointed, the justice of the peace shall deliver to him a commission, giving to him the limits and grade of his section or precinct of road, together with a list of the hands apportioned to his section or precinct which list may be changed whenever the justice of the peace may deem it for the best interest of the roads in his district, but when hands have been once apportioned to the overseer, and the apportionment is afterward changed, it shall be the duty of the overseer to give to the hand or hands taken from his Lists of hands.

section, a statement in writing showing the number of days such hand has worked, which shall be placed to the credit of such hand by the overseer of the section to which the hand is transferred.

SEC. 3. Be it further enacted, That as soon as the justice of the peace of the beat divides their beats or road districts, into sections or road precincts, and appoints overseers for the different sections or road precincts, they shall apportion the hands as nearly equal as they can in proportion to the amount of work to be done on each road and furnish each overseer with a correct list of the hands apportioned to his road, and the justice of the peace may revise and correct the list of hands furnished the overseers at any time they think it for the best interest.

Apportionments.

SEC. 4. Be it further enacted, That the justice of the peace may remove any overseer who shall fail or refuse to perform his duty, or comply with any reasonable order from said justice of the peace and appoint another in his place, and in all disputes with hands in regard to their respective duties, the overseer may refer the matter in dispute to the justice of the peace in which he shall abide his decision.

Overseers may be removed.

SEC. 5. Be it further enacted, That overseers, upon receiving their commissions and a list of the hands apportioned to their roads, shall take immediate supervision of their respective road sections or road precincts, and shall work the same at any time they may think necessary; or the justice of the peace may direct, by giving one days previous notice to the hands either in person or by substitute, or by leaving a written notice for the same length of time at the residence of the hand, and they shall be present and superintend all the work done, and shall not require more than five days work of any one hand in any week unless it shall be for the removal of obstructions that prevent travel, occurring after he shall have worked for five days; and all overseers that shall have more than twenty hands apportioned to their road section or precinct may work part of said hands part of the time, and part of them at another time, unless the justice of the peace order otherwise.

Time and manner of working roads.

SEC. 6. Be it further enacted, That if any public road shall become impassable, by reason of any casualty whatever, the overseer shall give notice to any hands of the road section or precinct, on the road where the casu-

Extra work.

alty occurs, who shall attend and repair the same, and such hand shall be allowed a credit for the time employed upon any future work.

SEC. 7. Be it further enacted, That overseers shall dismiss from service on the road any hand, whether working for himself or as a substitute, who shall fail to do good and efficient work, or who may refuse to obey any reasonable directions or orders of the overseer, or who shall spend his time in idleness or inattention to the work assigned him, and shall proceed against such band as though he had failed or refused to obey the notice to work such road.

Hands who fail to work.

SEC. 8. Be it further enacted, That overseers, with the approval of the justice of the peace, may exempt or excuse from working on the road in his road section or road precinct, any person he may think unable to perform such work, but such exemption must be in writing, and shall not continue in force longer than for the time he was excused from work on said road.

Exemptions.

SEC. 9. Be it further enacted, That all male inhabitants over eighteen and under forty-five years of age except such as are permanently disabled from performing ordinary manual labor and such as have but one arm or one leg, and except indigent, decrepit persons, and idiots who are unable by manual labor or physical exertion, to obtain a living or support, shall be liable to work on the public roads of said counties, not exceeding ten days in any one calendar year or one day's notice given by the overseer or by a substitute appointed by him, of the time and place to commence work; Provided, that any hand so notified may be exempt from work by sending an able bodied substitute to work in his place; Provided further, that when any hand apportioned and warned to work shall claim exl emption by reason of being under or over the legaage, or for any other cause allowed by law, such overseer* may require such person to take and subscribe an oath to be administered by such overseer or other person authorized to administer oaths, stating the grounds or reasons for which such exemptions is claimed, and any person who wilfully or corruptly makes such oath

Who must do road work.

shall be guilty of perjury and shall be punished therefor as provided by section 3907 of the code of Alabama.

SEC. 10. Be it further enacted, That the overseer shall in warning hands to work on the public roads specify the kind of tools and teams such hands shall furnish, but no hand shall be required to furnish any tools or teams unless he owns the same, and when a hand is warned to furnish and does furnish a horse or mule and plow, he shall be allowed one day's credit on his time of working for the use of such horse or mule and plow.

Tools and teams.

SEC. 11. Be it further enacted, That it shall be the duty of the justice of the peace to make a careful inspection of the public roads in their respective districts at least every six months and report to the grand jury their condition, and how each overseer has performed his duty; Provided further, that if any overseer shall wilfully fail or refuse to perform any duty required of him by this act, he shall forfeit and pay not more than twenty-five dollars, for such failure or refusal, to be recovered by any person suing therefor in the name of the county before any justice of the peace or notary public having the jurisdiction of a justice of the peace, which shall be paid by the officer collecting the same, to the county treasurer; Provided further, that all defaulters under this act shall be punished therefor as provided by section 1425 of the code of Alabama.

Inspection of roads.

SEC. 12. Be it further enacted, That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

Approved Feb. 21, 1898.

No. 336.] AN ACT [H. B. 674.

To change the boundary line between the counties of Cullman and Blount.

Section 1. Be it enacted by the General Assembly of Alabama, That the lines between the counties of

Cullman and Blount, be, and the same are hereby changed to run as follows:- Commencing at the south west corner of section 18, township 13, range 5, west, on the county line of Cullman, thence running south one mile to the south west corner of section 19, in same township and range, to the line of Walker county, thence due east to the south east corner of section 24 in township 13, range 5, west, thence due north to the south east corner of section 13, in the same township and range, at the line of Cullman county. Change.

SEC. 2. Be it further enacted, That all the taxes of every kind and description assessed against any person residing in, or against any property, real or personal, located in the territory proposed to be taken from the said county of Blount and annexed to the county of Cullman, assessed previous to the year 1893, now remaining unpaid, shall be collected by the tax collector of said Blount county, and by him paid over to the proper authorities. Taxes.

SEC. 3. Be it further enacted, That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved Feb. 21, 1893.

No. 337.] AN ACT [H. B. 729.

To revive and re-enact section 4 of an act entitled an act to prevent stock from running at large in the several beats of Randolph and Calhoun counties, and to authorize elections thereon, approved February 27th, 1889.

Section 1. Be it enacted by the General Assembly of Alabama, That section 4 of an act entitled an act to prevent stock from running at large in the several beats of Randolph and Calhoun counties, approved February 27th, 1889, in words and figures as follows:

SEC. 4. Be it further enacted, That for any damage done by stock running at large in such prohibited ter-

ritory, the owner shall be liable to the injured party in
Damages. twice the amount of the damage done, to be recovered by suit before any court having jurisdiction, and any such judgments recovered shall be a lien on the stock so committing the damages, and the court entering the judgment, shall enter therein an order that the officer executing the writ of execution on said judgment shall seize and sell the said stock for the satisfaction of the judgment; be, and the same is revived and re-enacted.
Approved Feb. 21, 1893.

No. 338.] AN ACT [H.B.1062.

To amend sections one, two and three of an act entitled an act, to authorize the board of mayor and aldermen of the town of Dothan to negotiate a loan for the purpose of improving, grading and draining the streets, avenues and alleys of said town, establishing water-works, tire department, electric light plant, and the payment of the town's indebtedness, and for other various improvements of said town, approved February 16, 1891.

Section 1. Be it enacted by the General Assembly of Alabama, That sections one, two and three of an act en-
Amount. titled an act to authorize the board of mayor and aldermen of the town of Dothan to negotiate a loan for the purpose of improving, grading and draining the streets, avenues and alleys of said town, establishing water works, fire department, electric light plant and the payment of the town's indebtedness, and for other various improvements of said town, be amended to read as follows: "Section 1. Be it enacted by the General Assembly of Alabama, That the board of mayor and aldermen of the town of Dothan, in the county of Henry and State of Alabama, be and they are hereby authorized and empowered to borrow and expend a sum of money not to exceed twenty thousand dollars, for the purpose of and to be expended and applied, First, for the payment of the
Use of money. outstanding indebtedness of said town, if any, not to exceed fifteen hundred dollars; Second, in establishing wa-

terworks for the supply of said town with water; Third. For establishing a fire department in said town; Fourth, for opening, grading and improving the streets, avenues and alleys of said town; Fifth, for all other improvements that said mayor and aldermen may deem neceesary.

SEC. 2. Be it further enacted, That section two of said act be amended so as to read as follows : "Section 2. Be it further enacted. That to enable said board of mayor and aldermen to carry out fully the power and authority granted in the first section of this act, the said corporate authorities be, and they are hereby, fully authorized to issue bonds of said town in an amount not to exceed twenty thousand dollars to be known and designated as "Improvement and Sanitary bonds" with coupons attached, signed and numbered to correspond with the said bonds, showing the amount of interest and when due and payable ; said bonds not to run longer than thirty years, but redeemable at the option of the said town authorities after twenty years; said bonds to bear interest at not a greater rate than eight per cent. per annum ; payable semi-annually ; said bonds to be issued in such form and manner as the said board of mayor and aldermen may direct, in sums not less than one hundred dollars. May issue bonds.

SEC. 3. Be it further enacted, That section 3 of said act be amended so as to read as follows: Section 3. Be it further enacted, That to meet the interest and principal at maturity upon any and all of said bonds issued under authority of this act, the said corporate authorities shall, and it is hereby made their duty to set apart out of the general revenues of said town each year four per cent. of the amount of bonds issued under the provisions of this act, as a sinking fund for the redemption of said bonds when they become due, and an amount sufficient to pay the interest as it becomes due on said bonds. Sinking fund

SEC. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 21, 1893.

No. 339.] AN ACT [H. B. 462

To incorporate the North Alabama Baptist Collegiate Institute and Normal School, at Danville, Morgan county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That John T. Hampton, James L. Stockton, Perry Henderson, K. E. Pettus, E. T. Whitman, J. W. Hillyard, Josephus Shackleford, A. W. Baily, Amos L, Moody, W. H. Simpson, J. M. Kitchens, J. C. Tidwell, Samuel Blackwell, T. L. Baker, G. C. Hard wick, J. S. Stockton, J. H Carter, J. M. Dowthett, I. T. Bolding, John P. Nesmith and W. C. Summers, appointed by the Liberty, Muscle Shoals and Big Bear Creek Baptist Association, as trustees of the North Alabama Baptist Collegiate Institute and Normal School, located at Danville, Morgan county, Alabama, and their successors in office be, and are, hereby constituted and declared a body corporate by the name of the Trustees of the North Alabama Baptist Collegiate Institute and Normal School, and by that name and style shall have foil power and authority to sue and be sued, to plead and be impleaded in all kinds of actions in law or equity, to have a common seal with such device or devices as they may deem best, and the same to break, alter or renew at pleasure; to receive donations, devises and bequests, and to acquire property, real and personal, the same to have and to hold for the purpose and benefit of said institution of learning, and also to borrow money and raise funds for the benefit of said institution, and to sell, alien and dispose of such property for such purposes and benefits, and to secure all indebtedness by mortgage on said property, except, however, and it is here expressly provided and declared that said corporation shall have no power or authority to sell, alien, mortgage or to incumber in any way the school property given by the people of Danville to the above trustees in trust for the Baptists of the above mentioned association for school purposes without their consent; Provided, however, that if at any time a more suitable location for the school can be found in the town of Danville, or within one mile from its present site, and the trus-

Incorporators.

General powers.

tees can make an exchange of property which will better subserve the interests of said school, they are authorized to do so.

SEC. 2. Be it further enacted, That said trustees are hereby constituted a board of trustees for said school, and shall elect annually from their own number a president of the board, also a secretary and treasurer, who may or may not be members of the board, as the board may direct, and shall, in case of vacancy in either office, promptly fill the same, and the board may elect at will such officers, and appoint such agents, and employ such employes, as they may deem necessary to the proper organization and management of the trust herein confided, with power to control or dismiss any of the agents or employes, to be exercised, however, in subordination to the laws of Alabama. The board shall have power to elect the teachers of said school, one of whom they shall make president, and shall determine their salaries; or to lease said property for a term of years, with the distinct understanding that the school is to be run as a Baptist school, and that the president thereof is to be a member in good standing of a Baptist church, and it shall make annually to the associations mentioned in the first section of this act, a report of the condition of the school, and specifying the names of the trustess whose time expires. They shall have power, by a majority vote of the whole number of trustees, to designate the least number that shall constitute a quorum, and the condition of their acting if less than a majority. The trustees shall have power to adopt a code of by-laws for the government of said school, as also a code for the government of themselves, with power to alter or amend the same. They may do and perform whatever is legally done by like corporations in this State for the establishment and perpetuity of said school.

Board of trustees.

Teachers.

SEC. 3. Be it further enacted, That the said trustees shall be appointed by the different Baptist associations mentioned in this act in the way and manner these associations may elect, but upon the following basis: Liberty Association, six trustees; Muscle Shoals Association, nine trustees; and Big Bear Creek Association, six trustees; one-third of whom shall be appointed to hold office for one year, one-third for two

Classes of teachers.

years and one-third for three years; Provided, that in case of failure on the part of any one of the associations to appoint trustees, the old trustees shall hold over until this successors are appointed; Provided also, that at least two-thirds of the trustees must be members in good standing of some Missionary Baptist Church.

SEC. 4. Be it further enacted, That the president, professors and teachers of said school shall constitute the faculty of the same, who shall, in consultation with the board of trustees and with their approval, make all necessary rules for the government of said school, determine the rates of tuition, the curriculum of study, and to the end that said collegiate institute and normal school shall be an institution of learning of high grade, no one but a professional educator of known ability and successful experience shall be eligible to the office of president thereof.

Government.

SEC. 5. Be it further enacted, That the trustees shall have full power by the president and professors of said school to grant or confer diplomas and certificates of scholarship to any of the students who may complete the prescribed course of instruction in said school.

Diplomas.

SEC. 6. Be it further enacted, That said trustees shall have power to receive subscriptions, donations, gifts, bequests and grants to the amount of $50,000 for the endowment of said collegiate institute and normal school, which donations, bequests and grants when received, shall be invested in safe securities and the interest alone used for the support of the school, and the same shall be exempt from taxation.

Endowment. fund.

Approved February 21, 1893.

No. 340.] AN ACT [H. B. 698.

To incorporate the Gadsden Goal, Iron and Railroad Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That T. T. Hillman, George L. Morris, and James A. Stratton, all of this State, and their associates,

successors and assigns, be, and they are hereby created a body corporate under the name and style of the Gadsden Coal, Iron and Railroad Company, and in and by that name and title shall have perpetual succession as a body corporate, and may sue and be sued, plead, and be impleaded, borrow money and execute notes therefor, contract and be contracted with, adopt, use and alter at pleasure a corporate seal, and exercise all the rights and franchises hereinafter granted. Corporate body.

SEC. 2. Be it further enacted, That the capital stock of said corporation shall be such sum as the corporators herein above named shall fix and establish, not less than one hundred thousand dollars; but the corporation shall have the right, after its organization, to increase its capital stock from time to time as a majority in value of the stockholders thereof in convention assembled shall determine, not to exceed the sum of Capital stock.

SEC. 3. Be it further enacted, That the stock of said company shall be divided into shares of one hundred dollars, and in all meetings and conventions of the stockholders, each stockholder shall be entitled to cast, in person or by duly appointed proxy, one vote for each share of stock owned by such stockholder. Executors and administrators shall have power to represent the stock of his or her or their testators or intestates ; and guardians and trustees shall have power to represent the stock of their wards and cestuyque trusts. Shares of stock.

SEC. 4. Be it further enacted, That the persons named as corporators in the first section of this act, or a majority of them, and such person or persons as shall join and become associated with them in the premises, shall meet at such time and place in the city of Gadsden, or at such other place in this State as they shall designate and appoint, and at such appointed time and place shall proceed to take and receive subscriptions to the capital stock of said company, payable in such time and manner as may be agreed on by and between the majority of said corporators and associates acting with them and the party or parties who may desire and propose to take stock in eaid company, which business may be transacted or completed at any subsequent adjourned meeting or meetings, as may be deemed necessary, if not completed at the first meeting. Place of meetings.

SEC. 5. Be it further enacted, That when as much as

one hundred thousand dollars shall have been subscribed, as authorized in the last preceding section, to the capital stock of said company, then at such time and place in said State of Alabama, as may be determined by a majority in interest of the subscribers to said stock, there shall be a meeting of the said subscribers for the purpose of organizing said company by the election of a board of directors, to consist of not less than five members, and said directors shall be chosen from the subscribers to the stock by ballot. The officers of said company shall be a president, and a secretary and treasurer, and such other officers as the board may deem necessary. The president of said company shall be elected by the board of directors from their own number, and the board of directors shall also select the other officers, and fix the compensation or salary of the president and officers. The president so chosen shall continue in office until the election of his successor, and the directors shall continue in office until the election of their successors by subsequent convention of the stockholders; the time and place of holding which shall be designated by the meeting at which such directors are elected, or, on its failure to do so, the time and place of such convention shall be fixed by the board of directors, of which the stockholders shall have such notice as the board shall direct. The election of such directors, and by them of the president, as provided above, shall constitute the organization of said company; Provided, that before such organization shall be perfected, there shall be paid to the treasurer of the company not less than one per cent. in cash upon the amount subscribed, in pursuance of the fourth section of this act; to the capital stock of the company.

Organization.

SEC. 6. Be it further enacted, That after the organization of said company, by and with the consent of the persons holding the larger amount in value of its stock, first obtained at a meeting of the stockholders of said corporation convened for the purpose of voting upon the proposition, to be held after ten days notice given by publication in some newspaper, to be designated by the board of directors, the said corporation shall have the right, from time to time, to increase its capital stock, and to take and receive additional subscriptions to its capital stock from time to time, and in doing so may, as it may deem proper and advantageous, receive such addi-

Increase of capital.

tional subscriptions, payable in whole or in part in real or personal property, or in stocks, bonds, rights or franchises of other corporations, and may take and receive proper conveyances and transfers of such real estate and personal property in payment of such subscriptions for stock.

SEC. 7. Be it further enacted, That there shall be annual meetings or conventions of the stockholders of said company at the principal office of the company at Gadsden, Alabama, or at some other place equally convenient to the stockholders, to be fixed by the board of directors, for the election of the president and directors, and for the transaction of such other business relating to the interests of the company as such conventions, when assembled, shall deem necessary or proper, of which convention such notice shall be given to the stockholders as said company, by the by-laws or otherwise, may prescribe, or as may be directed by the board of directors, on omission of the company to prescribe such notice; Provided, that omission or failure to hold any such convention within the time prescribed shall not have the effect to cause a dissolution or discontinuance of such company. In any convention of its stockholders, a majority in value of the stock held or owned in said company by stockholders in person, or by their duly constituted proxies or agents, shall constitute a. quorum competent to transact business, binding on the company and its stockholders. The number of directors shall continue as provided in the fifth section of this act until otherwise provided by the company, and the company shall have power to increase or diminish this number from time to time as shall be deemed proper. The president and direectors shall be elected for a term of one year, but may continue in office thereafter until the election and qualification of their successors. Any vacancies in the offices of presi dent or directors may be filled by the board of directors, a majority of whom will constitute a quorum for the transaction of business. Said company, acting by its stockholders in convention, shall have power to enact all such rules and by-laws as may be deemed needful and proper for the management and carrying on of its business, and prescribe rules for the transfer of stock by the respective stockholders.

Stockholders meetings.

Vacancies.

SEC. 8. Be it further enacted, That the business of said company is hereby declared to be, and shall be, the

Business of company.

mining and sale of iron ores and coal, and the production and manufacture and sale of coke, iron and steel, in their crude and finished state, and the manufacture of any products from iron and steel, building, owning and operating railroads, and the doing of any and all things incident to or in aid of any such business.

SEC. 9. Be it further enacted, That said company shall have power to contract for, purchase, and own all such lands and mineral rights and timber rights and other property, and to purchase and construct such steel plants, furnaces, rolling mills, and buildings, structures and appurtenances as may be deemed needful and useful in carrying on its business permanently in the most efficient and advantageous manner, and may have store houses, and buy and sell general merchandise. Said company shall also have power to lay out, construct, purchase or lease, use and operate railroads, tramways or other roads or ways for the transportation of minerals and all other materials or things ; Provided, that the company shall possess or lawfully acquire the rights of way for the same before the construction of any such ways or roads ; and the corporation shall have power to condemn lands, or an interest or easement therein, for a right of way in the manner provided by law, such right of way to be not exceeding one hundred feet in width throughout the full length of said tramways and railways.

Powers.

SEC. 10. Be it further enacted, That said corporation shall have power to unite, consolidate or connect the railways owned, operated or controlled by it, with any line of railways constructed or which may be constructed in this State, upon such terms as may be agreed upon between it and such other railway company; and for this purpose power is hereby granted to it and to any other railway incorporated by this State, to make and carry out such contracts, by lease, purchase or otherwise, as will facilitate and consummate such connection or consolidation.

May unite with others.

SEC. 11. Be it further enacted, That the said Gadsden coal, iron and railroad company is authorized and empowered to consolidate and amalgamate itself with any other corporation or corporations by a two-third vote of stockholders of each of such corporations, and form one general company under such name and style as may be agreed, upon, and to issue and apportion the stock of

Consolidation.

such consolidated corporations as may be agreed upon by said two thirds of the stockholders in each of said corporations, to take up, if deemed proper and best, the individual stock of each company and to replace it with the stock of the general company, in such manner and amounts as may be agreed upon by said two-thirds of the stockholders ; Provided, that such amalgamated company shall keep an office in the State of Alabama, and thereupon such general company shall be invested with all the powers and franchises heretofore belonging to each and all of the several corporations so consolidating and amalgamating: And provided, the rights and remedies of creditors shall not be effected thereby.

SEC. 12. Be it further enacted, That the said corporation, by and with the consent of the persons holding the larger amount in value of the stock thereof, given in person or by proxy, at any meeting of said stockholders, duly and legally called by the board of directors of said company for that purpose, shall have the power and authority, which is hereby given to it, to make and issue its bonds for such sums and in such amounts and payable at such time or times as the said stockholders may determine, which said bonds shall bear such rate of interest, not exceeding 8 per cent. per annum, as the said stockholders may deem best; and to secure the payment of said bonds and the interest thereon, the said corporation is hereby given power to execute a mortgage or deed of trust in its corporate name, and under its corporate seal, upon all the property of the said corporation, including its franchises, or such part thereof as the said stockholders may determine best ; said bonds and deed of trust to be signed by the president, countersigned by the secretary of said company, and sealed with the seal of said corporation, and the said company is hereby authorized to sell, exchange, hypothecate and dispose of its said bonds for its purposes as the directors may think best, or to pay the same for any real or personal property, rights or franchises purchased by said company, on such terms as the board of directors may deem best for the company.

Bonds may be issued.

SEC. 13. Be it further enacted, That said corporation may issue also preferred stock in such sums and for such an amount, and on such terms and conditions, and with rights and privileges as a majority in value of the stock-

Preferred stock.

holders of said company in convention assembled shall determine, and thereafter the said company shall not have the power to change or abridge the conditions, rights or privileges thus accorded to the holders of preferred stock, or to do any act that will impair the value of security of such preferred stock without the consent of the holders of the same.

Stock of other corporations.

SEC. 14. Be it further enacted, That said corporation shall have the right to lease and purchase, and to hold and own the real, personal or mixed property, or stock or bonds, or franchises of other corporations ; and said corporation may pay for the same in money, bonds, notes or property by an issue of its own stock, either common or preferred, on such terms and in such amount, and upon such conditions as such corporation may deem best; and to retain or dispose of such stock and bonds in whole or in part at pleasure, acting by and through its stockholders in convention assembled, or by its board of directors, they having been duly authorized to act in the premises.

Change name.

SEC. 15. Be it further enacted, That the Gadsden coal, iron and railroad company be, and the same is hereby authorized to change the name of said company, and such change of name shall be made at a meeting of the stockholders of said company, called by the board of directors of said company and held after thirty days notice either by advertisement in some newspaper published in the city of Gadsden, or by personal notice by mail to each stockholder of said company, stating the time, place and purpose of such meeting, at which meeting the proposition so to change the name of said company must be adopted by the concurrent vote of stockholders, holding among themselves a majority in value of the entire stock of the company.

Certified copy.

SEC. 16. Be it further enacted, That a certified copy of the action of the said meeting in so changing the name of the said company in pursuance of the conditions of this act, certified under the seal of the corporation' attested by the signatures of its president and secretary' shall be filed within thirty days after the date of such meeting, in the office of the secretary of the State of Alabama.

SEC. 17. Be it further enacted, That said corporation is authorized to constitute and establish an agency or agencies outside of this State for the transfer of the shares of

its capital stock, and to enact all laws necessary to provide for the transfer of such shares by such agency or agencies.

Approved February 21, 1893.

No. 341.] AN ACT [H. B. 669.

To amend section 1 of an act entitled an act to prevent stock from running at large in beats two, three and seventeen in Coosa county, approved December 10,1890.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act to prevent stock from running at large in beats two, three and seventeen in Coosa county, approved December 10, 1890, be amended so as to read as follows: That from and after the passage of this act, it shall be unlawful in beats two, three and seventeen in Coosa county for any stock to go at large on the land or crop of another, and for each wilful violation of this section by any person or owner of such stock shall be guilty of a misdemeanor, and upon conviction of such offense, shall be fined not less nor more than fifty dollars, and the term stock where it occurs in this act shall be held to include horses, mares, mules, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and pigs; Provided, nothing in this act shall be construed so as to prevent citizens of beat seventeen from letting their stock run at large in said beat seventeen in the months of January and December in each year. Penalty.

Approved February 21, 1893.

No. 342.] AN ACT [H. B. 688.

To fix the times and places for holding the courts in the third judicial circuit of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the courts in the several counties of the third judicial circuit of Alabama, shall be held at the court houses in the several counties thereof in each year

as follows: In the county of Bullock, at Union Springs,
Bullock. on the second Monday in February and August, and continue two weeks; in Henry, at Abbeville, on the second Monday after the second Monday in February and
Henry. August, and continue one week; and at Columbia in Henry county on the third Monday after the second Monday in February and August, and continue two weeks;
Dale. in the county of Dale, at Ozark, on the fifth Monday after the second Monday in February and August, and continue two weeks; in the county of Geneva, at
Geneva. Geneva, on the seventh Monday after the second Monday in February and August, and continue one week ; in
Coffee. the county of Coffee, at Elba, on the eighth Monday after the second Monday in February and August, and continue one week ; in the county of Russell, at Seale,
Russell. on the ninth Monday after the second Monday in February and August, and continue three weeks; in the county of Lee, at Opelika, on the twelfth Monday after
Lee. the second Monday in February and August, and continue three weeks ; in the county of Barbour, at Clayton, on the fifteenth Monday after the second Monday in February and August, and continue two weeks; and at Eufaula, in Barbour county, on the seventeenth Monday after the second Monday in February and August, and may continue three weeks; Provided, that this act shall not go into effect until after the 1st day of August, 1893.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisons of this act be, and the same are, hereby repealed.

Approved February 21, 1893.

No. 343.] AN ACT [H. B. 793.

To amend section 1398 (1632) of the code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1398 (1632) of the code of Alabama be, and the same is hereby amended so as to read as follows: Section 1398 (1632). Road precincts and overseers.

Apportioners and overseers. lers portioned and overseers for the purpose of keeping the road in repairs. The court of county commissioners or board of revenue at its last regular term in every second

year must divide the county into a convenient number of road precincts, and must at the same court appoint three apportioners for each election precinct, which apportioners shall forthwith proceed to appoint an overseer to each road precinct. Such overseer must be between the ages of twenty-one and forty five years; and the apportioners must return a list of overseers appointed by them to the probate judge of their county within thirty days after their appointment, who shall issue commissions as prescribed by law.

SEC. 2. Be it further enacted, That the board of commissioners or board of revenue shall hold their meeting for the appointment of successors to apportioners now in office at the last regular term of the year preceding that on which the term of office of the present apportioners shall expire. When appointed.

SEC. 3. Be it further enacted, That all laws and parts of laws in conflict with this act shall be, and the same are, hereby repealed.

Approved February 21, 1893.

No. 344.] AN ACT [H. B. 707.

To amend an act entitled an act to define and prescribe a lawful fence in certain portions of the county of Madison, approved February 28th, 1889.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section three of an act entitled an act to define and prescribe a lawful fence in certain portions of the county of Madison, approved February 28th, 1889, be amended so as to read as follows: Section 3. Be it further enacted, That this law shall be in full force and effect in the following described limits in the county of Madison, to wit: Commencing at the south east corner of Cloud's Cove precinct on the Tennessee river, thence northward with the west boundary of Vienna and Owens Cross Roads precinct, to the south west corner of Collier's store precinct, thence east with the precinct line to the Jackson county line; Boundaries.

thence northward with said line to the center of the east boundary line of section 36, township 3, range 2, east; thence west with quarter section line to Hurricane, west of Hurricane creek, thence running so as to include all of Maysville precinct west of Hurricane creek; then beginning on the north boundary of Maysville precinct, at the center of the south boundary of section 31, township 2, range 2, east; thence north to the center of said section 31; thence west along quarter section line of said section line of said section 31, and also sections 36, 35, 34, 33, township 2, range 1, east, to intersection with the sulphur springs road, thence northwardly with sulphur springs road and section lines to the north east corner of section 4, township 2, range 1, east, on township line, thence with the township line west to north east corner of section 4, township 2, range 2, west; thence on a direct line south with the section lines to the center of the east boundary of section 9, township 4, range 2, west, on the Brown ferry road, thence west with the quarter section lines to the county line, thence south to the Tennessee river, thence eastwardly along said river and up the same to the place of beginning.

Approved Feb. 21, 1893.

No. 345.] AN ACT [H. B. 730.

To amend an act entitled an act to require the commissioners court of Sumter county to appropriate money from the general fund of the county, from which to pay the claims against the fine and forfeiture fund of said county, and to provide the manner of such payment, approved February 5,1891.

Section 1. Be it enacted by the General Assembly of Alabama, That the commissioners court of Sumter
Amount. county, shall hereafter appropriate from the general fund of said county the sum of two thousand five hundred dollars per year for the next three years, with

which to pay the claims against the fine and forfeiture fund of said county; but in all cases claims represented by witness tickets against this fund shall be paid before any other claim against said fund.

SEC. 2. Be it further enacted, That it shall be the duty of said commissioners court at least three weeks prior to its regular meetings to advertise for three weeks previously at the court house of said county, notifying all persons holding registered claims against said fine and forfeiture fund, that open bids will be received by the probate judge until and on the first day of the meeting of the commissioners court, until 12 o'clock of that day, and shall state in said advertisement the amount of money on hand to be appropriated to such payment, and shall also state the amount of claims outstanding registered against such fund. The amount so appropriated by said court for each time shall be $625.00 and the money shall be awarded to the bidders who propose to accept payment in full of their claims against said fund at the highest rate of discount, and should there be two or more bidders at the same rate of discount, and the funds insufficient to pay all of their claims, the money shall be awarded to such claims in the order of their registration beginning with the oldest. When the biddings are closed, and the money awarded, the judge of probate shall issue warrants to the person or persons entitled thereto upon receipt and surrender of their claims, or a proper voucher, if the same is not paid in full, which said claim, so surrendered, shall be forthwith delivered by the said probate judge to the county treasurer for cancellation, and making proper entry on the registration book.

Advertising for bids.

Pay of warrants.

SEC. 3. Be it further enacted, That this act shall not be so construed as to repeal the act approved February 24, 1881, acts 1880-81, page 280, and the act approved February 22nd, 1883, acts 1882-83, page 523, in reference to the fine and forfeiture fund of said county.

SEC. 4. Be it further enacted, That this act shall go into effect immediately after its passage.

Approved Feb. 21, 1893.

No 346.] AN ACT [H. B. 771.

To incorporate the Anniston Mining & Railway Company.

Section 1. Be it enacted by the General Assembly of Alabama, That J. D. Hunter, A. Culberson, J. L. Wikle, Gr. B. Randolph and W. F. Johnston and their associates and successors be, and they are hereby constituted a body corporate under the name of the "Anniston Mining & Railway Company," and by that name, or by such other as the stockholders may after their organization adopt, are hereby authorized to sue and be sued; to make a common seal, and the same to break, alter and renew at pleasure; to have and to hold real and personal property for the present and future business of such company; to make rules and by-laws for the regulation and government of said company, not contrary to the laws of this State, and generally to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary to carry out the objects and purposes of the said company.

Corporators and name.

SEC. 2. Be it further enacted, That the capital stock of said company shall be two hundred and fifty thousand dollars, which may be increased to a sum not exceeding five million dollars by a vote of the stockholders, as now provided by law for the increase of the capital stock of corporations organized under special charter. The capital stock shall he divided into shares of the par value of one hundred dollars each.

Capital stock.

SEC. 3. Be it further enacted, That the corporators herein named, or a majority of them, may open books of subscription to the capital stock of said company in the city of Anniston and at such other places, as they may deem advisable, after giving such notice as they deem necessary. Subscriptions to the capital stock of said company shall be payable in money; but subscriptions may be received payable in money, the subscriber having the privilege of discharging the same by the rendition of stipulated necessary services, or the

How capital payable.

performance of stipulated necessary labor for the corporation, at the reasonable value thereof; or in property, which the corporation has the capacity to hold, at the reasonable value thereof; the subscription stating the nature and character of such services and labor or property.

SEC. 4. Be it further enacted, That whenever as much as ten per cent. of the said capital stock has been subscribed by subscribers of whose solvency the corporators are satisfied, the corporators may call the subscribers together for the purpose of organization, and as much as two per cent. of said subscriptions having been paid, the subscribers, or a majority in value thereof, being present in person or by proxy, may organize the said corporation by the election of a board of not less than five nor more than thirteen directors, as they may determine by resolution, to serve for the ensuing twelve months, and by the election of such other officers as they may deem necessary to the proper organization and management of said company. Organization.

SEC. 5. Be it further enacted, That said company when organized shall have the power to acquire and hold timber lands, coal, ore and other mineral lands, and the timber and mining rights in lands, to open, develop and use its mineral and timber lands; to mine iron, coal and other minerals to be found on its said lands, to cut timber and to quarry stone or marble; to make coke and smelt ores; to purchase and to build, own and operate all necessary houses, machinery, reservoirs, quarries, works, coke ovens, mines, iron furnaces, railroad tracks, switches, turnouts, pumps, pumping apparatus, washers, railroad cars, tramways, barges, steamboats and other crafts, steam engines, water powers, electric motors and other motors and motive powers; to construct and maintain dams and dynamos, and pipe lines for supplying its mines, washers, furnaces and other works with water, and generally to construct, maintain, own and hold all appliances, buildings, machinery, works, vehicles, mules, horses, etc., that may be necessary or proper to the business of the corporation. And it is authorized to sell the ores, coal, stone, timber and other products of its mines, quarries and lands and to buy the products and ores of other mines, quarries and lands, and to use the same in its furnaces, smelting May acquire lands.

works and other works. It may use its railroads, tramways, steamboats, barges and other crafts for freighting its own products or the products of others, or the carriage of passengers, and to charge and collect reasonable compensation therefor. It is authorized to manufacture its own products and the products of others, and for that purpose may acquire, build, own and operate saw mill and other wood working establishments, iron furnaces, rolling mills, steel works and other kinds of manufactories of such products; and may sell its raw material and its crude and finished products. For the convenience and in aid of its general business it may have store houses and stocks of general merchandise and whatever may be necessary, and sell the goods and supplies so kept to its employes and other persons. It shall also have the right and power to lease and purchase real, personal and mixed property, and to acquire the stock and franchises of other corporations engaged in any similar business.

Mining and manufacturing

SEC. 6. Be it further enacted, That said corporation is authorized and empowered to survey, locate, construct, maintain and operate a railroad with one or more lines of tracks of rails from the city of Anniston to a point on the Alabama Great Southern Railroad, in the county of St. Clair, at or near Steele Station, on such route or routes as may be deemed best, with branches from the same in any direction; and on such railroad and branches said company is authorized to transport and carry for hire persons and property by the force of steam, animal, electric or other mechanical power, or any conbination of them. Provided, that said company shall not be required to construct any greater part of its said road than it may from time deem to its interest.

Railroad to be built.

SEC. 7. Be it further enacted, That said company is authorized to build such railroads as it may see proper through the said city of Anniston, and to connect by branches, switches or tracks with other railroads now built or hereafter to be built in or near said city, by a belt line or lines, or otherwise.

SEC. 8. Be it further enacted, That said company may cause such examination and surveys of its proposed railroad and branches to be made as may be necessary to the selection of the most advantageous or desirable route, and, for such purpose, by its officers, agents and servants, may enter upon the lands or waters of any person, and

Surveys.

may acquire and hold by gift, purchase or in payment of subscription for stock, or by condemnation in the mode prescribed by law, such lands as may be necessary for a way and right of way, not exceeding one hundred feet in width throughout the entire length of the road and branches, with the right to cut down and remove all such trees and undergrowth outside thereof as might, by falling upon or shading the roadway, injure the same; and may acquire and hold in manner aforesaid such other lands or any interest therein as may be necessary for making heavy embankments and excavations, or for the purpose of wasting materials from earth excavations, or for borrowing earth or other materials for the construction of embankments, or for the protection and safety of the roadway, or for building depots, sidetracks, machine shops, car factories and other buildings incident to its railroad business. Rights of way.

SEC. 9. Be it further enacted, That said company may cross navigable streams and the tracks of other railroads, and cross and change the course of public roads, when necessary in the construction of its said road or branches, as is now provided by sections 1581 and 1582 of the code. Crossing streams or roads.

SEC. 10. Be it further enacted, That said company is authorized to lease or purchase and operate any other railroad or railroads that a majority of the stockholders may determine on. Other lines.

SEC. 11. Be it further enacted, That said company shall have the right to engage in and transact the business of an express company on its said railroads, and may erect along its right of way telegraph poles and wires, and engage in and transact the business of a telegraph company. Express and telegraph business.

SEC. 12. Be it further enacted, That said company shall be authorized and empowered to borrow money for the purpose of building or constructing or operating its road, mills, furnaces or other works, or for the payment of debt contracted in the building, constructing or operating of its road, mills, furnaces or other works, or in the purchase of its lands, mines, quarries, railroads, rolling stock, machinery, tools and other things necessary and incident to its said business, or in improving, operating or maintaining any of its said works, and in carrying on the business of the company; and for money borrowed, May borrow money.

or for any of its debts, may make and issue negotiable bonds, or bills of exchange, or promissory notes in any form, and may secure the same by mortgage or deed of trust of its franchises and its property, real or personal, but said company shall not be authorized to execute any mortgage or deed of trust on its property without the consent of a majority in value of the stockholders expressed at a meeting called for that purpose, of the time and place and purpose of which thirty days notice is given each stockholder whose residence is known, and by publication for four consecutive weeks in a newspaper published in the county where it has its principal office.

Liability.

SEC. 13. Be it further enacted, That the stockholders shall be liable only to the extent of the unpaid stock held by them.

Meetings.

SEC. 14. Be it further enacted, That the stockholders of said company shall meet annually, at such time and place and on such notice as may be prescribed by the by-laws, for the election of directors and other officers, and the transaction of such other business as may be transacted at such meeting.

Board of directors.

SEC. 15. Be it further enacted, That the management of the business of said company shall be under the control of the board of directors, who shall be elected by the stockholders at their annual meeting, and hold office for a term of one year and until their successors are elected and qualified. The board of directors shall appoint all officers and agents of the said company, and may discharge and remove the same at pleasure, and shall exercise all other powers that may be delegated to them by the stockholders. Vacancies in the board shall be filled by the remaining members.

Officers.

SEC. 16. Be it further enacted, That the principal office of said company shall be in the city of Anniston, but branch offices may be established at any other place or places.

Meeting outside the State.

SEC. 17. Be it further enacted, That said company may hold stockholders' and directors' meetings and do all kinds of corporate acts at any place or places without this State by resolution of the stockholders and board of directors, but the original certified copies of the minutes of all such meetings held without this State shall be deposited at its principal office in this State within sixty days after such meeting.

Approved February 21, 1893.

No. 347.] AN ACT [H. B. 719.

To amend sections 3171, 3178 and 3183 of the code of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That sections 3171, 3178 and 3183 of the code of Alabama, be amended so as to read as follows: Section 3171. The judge may direct action to be brought; may be brought by any person securing costs. Mode of proceeding; The judge of the circuit court may direct such action to be brought when he believes that any of these acts can be proved, and it is necessary for the public good, or it may be brought without the direction of such judge on the information of any person, giving security for the costs of the action, to be approved by the clerk of the court in which the case is brought, and such action must be brought in the circuit court of the county in which the acts are done or suffered, or if to try the right to a corporate office in the circuit court of some county in which the corporation has its domicile, or does business; and the circuit courts of this State shall be always open and in session for the trial of such cases, and and of the taking of all lawful proceeding therein. A summons issued on such action shall be returned within ten days from the date of issuance thereof; Provided, services is had upon the parties five days before such return day; and if five days' service before such return day is not had on such summons, then the same shall be returnable to the first day after the expiration of the five days after such services, and if said return day be a day of any term of such court, regular or special, the cause shall stand for trial the next day after such return day unless good cause shall be shown for further delay, but if said return day do not fall within one of the regular or special terms of said court, then it shall be the duty of the clerk of said court, on the order of the presiding judge, to notify the parties or their attorneys on what day the court will call the case for a hearing, and such cause may be then tried, or for good cause shown, or by consent—with the approval of the court-may be continued to some other day by an order of the court, and such cage must be tried without a jury, unless a jury be demanded by one of the parties thereto, and any such

Judge directs action to be brought.

demand shall be made in writing, by the relator, at the time of the filing of his petition or complaint, and by the defendant at the time of his appearance, or the right to a jury trial shall be considered as waived ; but, by the consent of both parties, a trial by jury may be had where previously waived, or may be waived where previously demanded by either party to the cause. In case a jury shall be summoned as herein provided, such jury shall be drawn as required by section 4316 of the code of Alabama, and the cost of such jury shall be taxed against the party demanding the same, unless otherwise agreed to by the parties.

SEC. 2. Be it further enacted, That section 3178 shall be amended so as to read as follows: Section 3178. Judgment; exclusion from office or franchise; costs; issue of execution. When a defendant, whether a natural person or a corporation, against whom such action has been brought, is adjudged guilty of usurping or intruding into, or unlawfully holding or exercising any office or franchise, judgment must be rendered that such defendant be excluded from such office or franchise, and that the plaintiff recover costs against such defendant, and execution shall be issued on such judgment at the expiration of five days from the date thereof, unless the defendant shall within such time take an appeal to the supreme court.

Judgment against defendant.

SEC. 3. Be it further enacted, That section 3183 shall be amended so as to read as follows: Section 3183. Appeal; time of hearing; costs thereof. The said informer or the defendant may appeal to the supreme court, within ten days after judgment, upon application to the clerk and upon giving security for the costs of the appeal, the name of the sureties to be certified with the record to the supreme court, and if the appeal is not sustained, judgment for the costs may be rendered and not the sureties, but on appeal for the State no security for the cost shall be required, but in case the defendant is adjudged guilty of usurping or intruding into, or unlawfully holding or exercising any office in a private corporation created by the authority of the State, such appeal shall not operate as a supersedeas unless a supersedeas bond be given to be approved by the judge of the court trying said cause. All appeals taken under this section, shall be heard by the supreme court on the first Thursday after

Appeals.

ten days from the expiration of such appeal, if said court be then in session; if not in session at the expiration of said ten days, then the said appeal shall be heard at the first opportunity thereafter during any term, or may be heard at a special term to be called by said court for the purpose of hearing such appeal, upon twenty days' notice given to the parties to such appeal; Provided, that in no case shall such appeal be heard unless a citation of appeal shall have been duly served upon the opposite party or his counsel at least five days before such hearing.

Approved February 21, 1893.

No. 348.] AN ACT [H. B. 780.

To authorize the court of county commissioners of Escambia to issue bonds of said county for an amount not exceeding twenty-five thousand dollars, for the purpose of building a bridge across Conecuh river.

Section 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of the county of Escambia be, and they are hereby authorized to issue the bonds of said county of Escambia to an amount not exceeding twenty five thousand dollars, or so much thereof as said court may deem necessary for the purpose of erecting a bridge or bridges across the Conecuh river; said bonds shall be payable in annual installments of one-twentieth thereof, and may bear interest, not exceeding six per centum per annum, so that the entire indebtedness will fall due in twenty years. That installments and the interest shall be payable at such times and places as may be mentioned on the face thereof, and the bonds shall be in sums not exceeding one hundred dollars; the bonds and the coupons thereto attached, and the coupons when detached, shall be transferable by delivery, so as to authorize the holder thereof, to maintain any suit and enforce any right thereto belonging, and each shall express on its face that it is payable to bearer. Said bonds shall bear interest from such time as may be named on their face, but the coupons shall bear no interest; and said bonds shall be exempt from county taxes.

Amount and style of bonds.

SEC. 2. Be it further enacted, That the annual install-

ments falling due upon said bonds, and the annual interest falling due thereon, shall be designated and embraced in coupons attached to said bonds; said coupons shall designate when payable, the amount and number of the bond to which it belongs, so as to identify the coupon with its bond. Said coupons, or any number of them, may be detached from said bonds, and transferred without affecting their validity; but when all the coupons are detached, the bonds from which detached, shall become invalid, and shall be deemed and held paid, because the coupons represent the full amount of the indebtedness that accrues for and on account of said bonds, said bonds being payable in annual installments and the coupons calling for the amount of such installment and the annual interest, and the bonds shall, on their face, express that the payment of the coupons are a payment of the bonds.

Character of coupons.

SEC. 3. Be it further enacted, That the bonds authorized to be issued under this act, and the coupons, shall be signed by the probate judge of said county and his official seal affixed thereto, and he must keep a correct record and account of all the bonds issued and disposed of under this act.

Record of bonds.

SEC. 4. Be it further enacted, That the coupons of said bonds shall be receivable in payment of county taxes, but only such coupons as are past due, or falling due the year such taxes are collected, shall be so received in payment of said taxes, and the collector of taxes shall not be required to make or give change for or on account of said coupons.

SEC. 5. Be it further enacted, That the tax collector of said county shall give to the tax-payer a receipt showing the amount paid by him in coupons, the number of the coupon, and other description, so as to identify it, and also the amount paid in money; and such receipt shall have a stub from which it is taken, showing the same facts, and the name of the person paying, and the time when paid. Such stub shall be kept by the tax collector. The tax collector shall also keep a book, in which shall be entered a similar description of the coupons received by him in payment of taxes; said book. and said stub book, and said coupons shall be presented by him to the commissioners court at their first regular meeting after his reception of the same, who shall examine and compare them, to ascertain their correctness, and then

Coupon stubs.

burn the coupons in their presence, and enter on the stub, and on the other book referred to herein, the word "burned," which shall be done by the probate judge, or acting probate judge, and signed by him. The treasurer shall keep a book in which he shall enter the number and description of each coupon he pays, the time when, and to whom paid, which book and the coupon he pays, shall be presented to the commissioners court, at the first meeting after their payment, who shall examine the same and ascertain their correctness, and then burn the same, and make an entry in said book, "burned," which shall be done and signed by the probate judge, or acting probate judge. All of said books shall be open and free for the inspection of any bond or coupon holder, or any tax-payer, at all reasonable hours. Coupons shall not be paid until the same fall due.

Record of coupons paid.

SEC. 6. Be it further enacted, That the commissioners court of Escambia county is hereby authorized to do any and all things authorized by this act which may be necessary to carry out the powers hereby granted, either through themselves or any agent or agents duly appointed by them for that purpose, at any term of said court, whether at a regular or special term thereof; and no technical informality, irregularity, neglect or omission in the proceeding or records of said court shall in anywise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Powers of court.

SEC. 7. Be it further enacted, That for the purpose of erecting the necessary public buildings and bridges in Escambia county, the commissioners court of said county are authorized and empowered to assess a special tax, and it shall be their duty so to do, not to exceed one-fourth of one per cent on the taxable property in said county, out of which fund, when collected, they shall set apart, annually, an amount sufficient to fully pay the coupons next falling due under this act, which fund shall be applied by the treasurer of said county, exclusively to the payment of the same when due, upon presentation, disposing of such coupons, when paid, in manner and form as prescribed in section 5 of this act.

Special tax.

SEC. 8. Be it further enacted, That the commissioners court of said county is hereby authorized to negotiate and sell such bonds as may be issued by them by virtue of this act; but said bonds shall not be sold for less than

Sale of bonds

par (100 cents on the dollar) and the proceeds of said bonds shall be paid over to and kept by the treasurer of said county, and to be used and applied to the purposes herein designated, under the direction of said court of county commissioners.

SEC. 9. Be it further enacted, That any officer, or person who makes any false or fraudulent entry, or fails to make any entry in said books required in the preceding sections, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than one thousand dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than twelve months.

Approved February 21, 1893.

No. 349.] AN ACT [H. B. 784

To regulate the fees of the judge of the county court of Franklin county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That in cases coming before the county court of Franklin county, Alabama, when a jury is demanded and the defendant bound over to answer such indictment as may be found by the grand jury, that the only fee the judge of the county court shall receive is two dollars, to be paid in the same way as the fees of the sheriffs are paid in such cases.

Approved Feb. 21, 1893.

No. 350.] AN ACT [H. B. 699

To amend the charter of the Birmingham Railway and Electric company by conferring additional powers on said company and authorizing it to change its corporate name.

Reducing capital.

Section 1. Be it enacted by the General Assembly of Alabama, That the Birmingham railway and electric company be, and the same is, hereby authorized to reduce

the amount of its outstanding capital stock to an amount not less than five hundred thousand dollars,

SEC. 2. Be it further enacted, That such reduction of capital stock shall be made at a meeting of stockholders of said company, called by the board of directors of said company, and held after thirty days notice, given by publication for four consecutive weeks in some newspaper published in the city of Birmingham, which notice shall state the time, place and purpose of said meeting, and at such meeting the proposition so to decrease such capital stock must be adopted by the concurrent vote of stockholders holding among themselves not less in value than a majority of the outstanding stock of the company. How reduced.

SEC. 3. Be it further enacted, That a certified copy of the action of the said meeting in so reducing the amount of the capital stock of said company, in pursuance of the conditions of this act, certified under the seal of the corporation, attested by the signature of the president and secretary thereof, shall be filed within thirty days after the date of such meeting, in the office of the judge of probate for the county of Jefferson, in this State. Certificate filed.

SEC. 4. Be it further enacted, That immediately upon the filing of said certificate, the said capital stock of the Birmingham railway and electric company shall be reduced to such an amount, as said meeting of stockholders shall determine, not less than five hundred thousand dollars; and all the property or value of any kind conveyed or contributed by the original or subsequent subscribers to the capital stock of said corporation, in payment of their original subscription thereto, shall be held and taken as having been paid on account of such reduced capital stock ; and the said corporation is thereupon authorized to call in and cancel the present outstanding certificates of its capital stock, and issue in lieu thereof certificates for its fully paid up stock, based on the amount to which the original capital stock of said corporation shall be reduced; Provided, that the rights and remedies of creditors of said corporation existing at the time of the reduction of such capital stock shall not be affected thereby. Calling in out standing certificates.

SEC. 5. Be it further enacted, That the Birmingham railway and electric company be and the same is hereby authorized to change the name of said company, and

such change of name shall be made at a meeting of the stockholders of said company called by the board of directors of said company, and held after thirty days notice, given by advertisement for four consecutive weeks in some newspaper published in the city of Birmingham, stating the time, place and purpose of such meeting, at which meeting the proposition so to change the name of said company must be adopted by the concurrent vote of stockholders holding among themselves a majority in value of the entire stock of the company.

Certificate filed.

SEC. 6. Be it further enacted, That a certified copy of the action of the said meeting in so changing the name of said company in pursuance of the conditions of this act, certified under the seal of the corporation, and attested by the signatures of its president and secretary, shall be filed within thirty days after the date of such meeting in the office of the judge of probate for the county of Jefferson in this State.

Preferred stock.

SEC. 7. Be it further enacted, That the Birmingham railway and electric company be, and it is hereby authorized to issue preferred stock by the vote of persons holding two thirds in value of the stock at a meeting of the stockholders called for that purpose, of which meeting and of the purpose for which it is called, thirty days notice must be given by publication in some newspaper published in the city of Birmingham for four consecutive weeks, and if at such meeting the persons holding two thirds in value of the stock of said company, shall vote for such issue, the proceedings of the meeting must be reduced to writing, signed by the president of the company, and attested by its secretary, under the seal of the corporation, and filed and recorded in the office of the judge of probate in and for the county of Jefferson, in this State.

Rights of stockholders.

SEC. 8. Be it further enacted, That each stockholder shall first be entitled to the privilege of taking such preferred stock in proportion to the amount of common stock held by him, or a less amount, if he should desire it, before such preferred stock is offered to the public.

Approved Feb. 21, 1893.

No. 351.] AN ACT [H. B. 931.

To constitute the town of Pell City a separate school district, and to provide for the management of the public schools therein.

Section 1. Be it enacted by the General Assembly of Alabama, That the corporate limits of the town of Pell City in St. Clair county, and the inhabitants thereof, are hereby incorporated by the name of the Pell City School District. Limits.

SEC. 2. Be it further enacted, That said school district shall receive each year its proportionate share of the school fund coming to St. Clair county, from whatever source derived, and its proportionate share of the sixteenth section fund, and also all the taxes collected as poll taxes in said district, which fund and taxes and all other funds for the use of said school district are to be controlled, managed and expended as provided by this act. Funds.

SEC. 3. Be it further enacted, That the board of education, to be known as the board of education of said district, is hereby appointed to consist of the mayor or intendant of said town, who shall be ex-officio president thereof and four other persons who, for six months next preceding their election, shall have been bona fide residents of said town, and who shall be elected by the qualified electors of said district at the time the election is held for mayor and councilmen of said town, and whose term of office shall be two years from the date of the election of said board which election shall be held by the inspectors appointed to hold an election for mayor and councilmen of said town, and the returns of said election shall be certified to the mayor or intendant and councilmen who shall declare the result thereof; that until the holding of such election the mayor or intendant and councilmen of said town shall constitute such board of education. Board of control.

SEC. 4. Be it further enacted, That said board of education shall have the management and control of the free public schools of said district, and of all the Management of schools.

moneys, property collected, donated, or acquired for said school district, and of the expenditure or investment of said moneys as herein provided by this act, and said board shall also have power to create and appoint a board for the examination of applicants for positions as teachers in the public schools of said district, and no person shall be elected by said board of education as a teacher in any of said public schools who shall not have received a license from said board of examination;

Teachers.

said board of examination shall consist of such number of persons as may be deemed expedient by the board of education, and they shall serve as such at the pleasure of said board of education; Provided, that said board of education may, at its election, examine applicants for positions as teachers upon such examination; And provided further, that no person shall teach any of the public schools of said district who has not been elected by said board of education, and said persons shall also have a license from the county board of education as now provided for by law.

SEC. 5. Be it further enacted, That said board of education shall elect from their body a secretary and

Treasurer.

treasurer thereof, and the treasurer, before entering upon his duties shall make bond in such sum as the board may direct, with sufficient surety to be approved by the president of said board, payable to said school district, with condition faithfully to discharge the duties of his office during his continuance therein, which bond shall be entered upon the minutes of said board and also transcribed upon the records of the town of Pell City, and the original then kept by the said board in some safe and convenient place, and a certified transcript of the record of said bond from the minutes of said board, or from the record of said town of Pell City, shall be presumptive evidence of the execution of said bond in all the courts of this State, in the event said bond should be lost.

SEC. 6. Be it further enacted, That a majority

Board meetings.

of said board of education shall constitute a quorum for the transaction of business, and a record shall be kept of all their official meetings, and if at any meeting

the president of the board should be absent, the members present may elect a president pro-tempore.

SEC. 7. Be it further enacted, That the treasurer of said board of education shall receive all moneys belonging to said school district, and pay the same out only upon the warrant of the mayor of the town, and said mayor shall not draw a warrant for any of said moneys except upon the order of the board of education, and whenever called upon by said board, the treasurer shall make a report in writing of money received and paid out by him for and on account of said school district. Care of funds.

SEC. 8. Be it further enacted, That said board of education shall make a written report to the State Superintendent of education on the first Mondays in January and July of each year, of the condition of the schools in said district, the length of time they were open the past scholastic year, the number of pupils in attendance, the number of teachers, the value of school property, the amount paid for school houses, or for repairing the same, the amount paid teachers, and the amount received from all sources the past scholastic year, for the use of said school district, and of any other matter required by law; and a duplicate of said report shall be filed with the mayor and aldermen of said town of Pell City, who shall at the expense of the town, cause the same to be published in some newspaper of said town. Reports of board.

SEC. 9. Be it further enacted, That the mayor of said town of Pell City, and the treasurer of said board of education, shall at such time as may be fixed by the board, make report in writing to the board of education of the expenditure of the moneys of the school district, which reports shall be submitted to the board of examination and shall be spread upon the minutes of the board. Reports by mayor and treasurer.

SEC. 10. Be it further enacted, That the tax collector of the county of St. Clair is hereby required to pay over to the treasurer of said board of education all poll taxes collected within said school district, and the receipt of said treasurer, under the seal of said school district, shall Poll taxes.

be a valid voucher in the hands of said tax collector in his settlement with the auditor of the State; and the superintendent of education of said county is required to pay over to the treasurer of said board the pro rata share of said school district in the school fund of said county, and the marshal, or person authorized to receive and collect taxes for the town of Pell City, is required to pay over to said treasurer all such moneys as were collected by said marshal or other person for the use and benefit of said school district.

General powers.

SEC. 11. Be it further enacted, That said school district, by its corporate name, shall have the power to sue and be sued, contract and be contracted with, shall have a common seal, to be kept by the secretary of said board of education, shall have the right to buy, sell, lease, receive by gift or devise real and personal property for the use and benefit of the public schools of said town, shall contract for the erection of school houses in said district, which shall be located in such place or places as will best serve the convenience of the children in said district, and change the location of said school houses whenever necessary, and the board of education herein provided for shall be the proper constituted authority for the purpose of executing and carrying out the powers and exercising the rights and privileges herein conferred upon said school district.

Who may be pupils.

SEC. 12. Be it further enacted, That all children residing within said district between the ages of seven and be twenty -one shall have the right to enter any of the public schools o f said city free of charge; Provided, always, that separate schools shall be established for the white and black races, and there shall not, in any event, be a mixture of the races in any of the public schools; And provided further, that the board of education; in its discretion, may assess an incidental fee for non-resident children of said dis trict as may be received as pupils in the schools of this district upon such terms as may be prescribed by the board of education.

School buildings.

SEC. 13. Be it further enacted, That no school house shall be built in said district without the character and style of said building and the material to be used in the construction thereof shall first be submitted to the mayor and aldermen of said town and the consent of said mayor and aldermen obtained.

SEC. 14. Be it further enacted, That nothing in this act shall be construed as in conflict with the constitutional duty of the State superintendent of education to exercise a supervision of the public schools of said district.

SEC. 15. Be it further enacted, That the members of the board of education, before they enter upon their duties, shall each take and subscribe on oath to discharge their duties to the best of their ability, which oath shall be entered upon the minutes of said board. Official oaths.

SEC. 16. Be it further enacted, That all Vacancies in said board, shall be filled by appointment by the mayor and aldermen of said town of Pell City, and no person shall be appointed to fill a vacancy on said board who does not possess the qualifications required by this act, and all appointees to said board shall continue in office until the next ensuing election of a board of education. Vacancies in board.

SEC. 17. Be it further enacted, That the bond of the treasurer of said board may be increased or strengthened or said treasurer required to make a new bond whenever in the judgment of said board it is necessary, and the treasurer, when required to make a new bond or to give additional security upon his bond, shall do so within ten days after notice of such requirement, and failing to do so, his office as treasurer and as a member of said board thereby becomes vacant. Bond of treasurer.

SEC. 18. Be it further enacted, That any member of said beard removing from said district thereby vacates his office, and the fact of such removal being ascertained by the board, they shall declare said vacancy and notify the mayor and aldermen of said town thereof, and all other vacancies on said board shall also be certified to said mayor and aldermen. Vacating office

SEC. 19. Be it further enacted, That all laws inconsistent with the provisions of this act be, and the same are, hereby repealed.

Approved February 21, 1893.

No. 352.] AN ACT [H. B. 812

To amend an act entitled an act to prevent stock from running at large in Beats 2, 3 and 17, of Coosa county, approved Dec. 10th, 1890.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act it shall be unlawful in Beats 2, 3 and 17, in Coosa county, for any stock to go at large on the lands or crop of another, and for each wilful violation of this section by any person or owner of such stock, shall be guilty of a misdemeanor, and, upon conviction of such offense, shall be fined not less than five nor more than fifty dollars; and the term stock, when it occurs in this act, shall be held to include horses, mares, mules, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and pigs.

Penalty for trespass.

SEC. 2. Be it further enacted, That for any damage done by stock running at large in Beats 2, 3 and 17, in Coosa county, the owners shall be liable to the injured party in twice the amount of the damage done, to be recovered by suit before any court having jurisdiction, and any such judgment recovered shall be a lien on the stock so committing the damage, and the court entering the judgment shall enter therein an order, that the officer executing the writ of execution in said judgment shall seize and sell the said stock for satisfaction of the judgment.

Damages.

SEC. 3. Be it further enacted, That the prosecution and civil action provided for in this act, may be tried before any justice, or notary public with justice jurisdiction in the beat where the offense or damage occurs, and the amount of damage does not exceed fifty dollars. If the justice of the peace or notary public is incompetent, or there is a vacancy in such office, then such trials shall be in the nearest beat in said county, where no objection exists, for such trial and prosecution; said justice court shall always be open, but three days notice shall be given to the opposite party.

Before whom tried.

SEC. 4. Be it further enacted, That citizens living in Beats 2, 3 and 17, in Coosa county, shall have the right to erect gates across public and private roads at or near the line of said beats, when necessary to prevent trespass by stock from other beats not included in this act, and

Gates

that said gates, when so erected, shall be subject to such regulations and penal laws as are now in force in this State, in regard to governing gates across public and private roads.

SEC. 5. Be it further enacted, That the provisions of this act shall not apply to the resident citizens, nor the stock of resident citizens of Beat 1 of Tallapoosa county, unless the citizens of Coosa county build a good and lawful fence on or near the county line between Beat 1 in Tallapoosa county and Coosa county. What stock exempt.

SEC. 6. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed; Provided, that this act shall not go into effect until the first day of January, 1894.

Approved February 21, 1893.

No. 353.] AN ACT [H. B. 490.

To regulate the trial of misdemeanors in Bibb county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county court of Bibb county shall have jurisdiction of all misdemeanors committed in said county, and all indictments by grand jury for misdemeanors shall be returned to said county court. Jurisdiction.

SEC. 2. Be it further enacted. That immediately after the passage of this act the clerk of the circuit court of Bibb county shall deliver all indictments in misdemeanor cases now upon the docket of the circuit court for trial, and all indictments for misdemeanors found at the last term of the grand jury of said county to the judge of the county court, and that the same shall be placed upon the trial docket of the county court, and that the clerk of the circuit court shall also deliver to the judge of the county court all papers, and a certified copy of all docket entries and minutes of the proceedings had in said circuit court in cases so transferred from the circuit court to the county court, and upon the transfer and delivery of the same, the jurisdiction of said circuit court shall cease, except upon appeals, and full jurisdiction shall vest in the said county court. Transfer of cases.

SEC. 3. Be it further enacted, That prosecution may

be instituted or commenced in the said county court as is now provided by law in said county court.

SEC. 4. Be it further enacted, That the clerk of the
Clerk. circuit court shall be ex officio clerk of the county court, and he shall have authority to issue warrants of arrest, returnable to said county court, and the practice and proceedings therein shall conform to the practice and proceedings of the circuit courts of the State, except as to trial by jury and appeals.

SEC. 5. Be it further enacted, That the assistant or county solicitor appointed by the circuit solicitor shall
Solicitor. prosecute all cases of misdemeanor tried in the county court, and for such services shall receive the same compensation as is now provided for by law, and in addition thereto thirty per cent. of all fees earned by him in said county court in excess of five hundred dollars ; Provided, said per cent of fees in excess of five hundred dollars does not exceed five hundred dollars.

SEC. 6. Be it further enacted, That the times and places of holding said county court shall be as follows, to-wit: On the first Monday in each month in the court
Terms of courthouse at Centerville, and shall continue one week or until all business on docket of said court triable at Centerville is disposed of; on the third Monday in each month in the town of Blockton and shall continue for one week, or until all business on docket of said court triable at Blockton is disposed of, but said court must not be held for a longer term than one week at either place.

SEC. 7. Be it further enacted, That all complaints for misdemeanors or indictments by grand jury arising in the
Complaints. beats in which are located the towns of Woodstock and Blockton shall be returnable to and shall be tried at the terms of court held at Blockton, and all other cases shall be likewise disposed of at Centerville.

SEC. 8. Be it further enacted, That appeals from the
Appeals. decision of the county court shall be to the circuit court, and that a motion or demand for trial by jury by a defendant shall transfer such defendant's case to the next term of the circuit court.

SEC. 9. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed, and all laws now in existence relating to said county court of Bibb, not in conflict with the pro-

visions of this act, are hereby retained in full force and effect.

Approved February 21, 1893.

No. 354.] AN ACT [H. B. 1123.

To incorporate the Chattahoochee Fire Company No. 5, of Eufaula.

Section 1. Be it enacted by the General Assembly of Alabama, That H. Lampley, E. J. Black, W. T. Berry, Ira Lampley, C. R. Ross, W. E. Holleman, Wm. Petry, T. J. Ramser, H. D. Clayton, L. W. Foy, W. H. Foy, R. H. Walker, and W. L. Godwin, their associates and successors be and they are hereby declared a body corporate by the name and style of "The Chattahoochee Fire Company No. 5 of Eufaula," and by said name and style the said company may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity in this State, and may have, hold, occupy and possess goods and chattels, lands and tenements of the value of twenty thousand dollars, and may sell and transfer the same at pleasure, and may have and use a common seal, and alter and amend the same at pleasure. Corporation.

SEC. 2. Be it further enacted, That the company may enact such bylaws, rules and regulations for the proper organization and good government of the company as are not inconsistent with the constitution and laws of the United States, and of this State, and the provisions of this act of incorporation, as they deem proper. By laws.

SEC. 3. Be it further enacted, That the members of said company shall be exempt, and are hereby exempted from militia and jury duty, street tax, and poll tax, form the city of Eufaula, so long as they continue to perform their duties of firemen under this act; Provided, however, that there shall be no honorary or pay members of said company who shall enjoy the privileges and immunities of active members under this act, except such as shall have served seven consecutive years in said company without intermission, or shall have been disabled in the performance of duty as a fireman. Exemptions of members.

SEC. 4. Be it further enacted, That it shall be the duty

of the foreman, or other presiding officer of said company, to furnish to the sheriff of the county of Barbour, semi-annually, a true statement of the names and members of said company who may be at the time of making such report entitled to the immunities of this charter on oath, and it shall be the duty of said sheriff to prevent the said names from being placed in any of the jury boxes for said county.

Lists of members.

SEC. 5. Be it further enacted, That whenever the said company shall cease to be effective by not keeping an engine and the apparatus belonging to it, or by not keeping the same in good working order, or shall habitually neglect the performance of their duty as firemen, or violate the provisions of this charter, it shall be the duty of the marshal of the city of Eufaula to issue notice calling on said company to appear before the mayor and council of said city at their next regular meeting and show cause, why their charter should not be declared forfeited, and if said company shall fail to appear, or appearing shall be found guilty of violating the provisions of this charter, then the said mayor and council shall declare their charter forfeited.

Forfeiture of charter.

Approved February 21, 1893.

No. 355.] AN ACT [H. B. 768

To regulate the practice in the circuit court of Clarke county, and to provide for the times of holding the circuit court in Clarke county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the circuit court of Clarke county shall be held on the third Monday after the fourth Monday in March, and the sixth Monday after the fourth Monday in September, and that each term may continue two weeks.

Terms.

SEC. 2. Be it further enacted, That criminal cases in the circuit court of Clarke county be called for trial on Wednesday of the first week of said court.

Criminal cases.

SEC. 3. Be it further enacted, That jurors shall be drawn for said court by the Jury commissioners, but the venire of the jurors for the second week of the said court

Jurors.

shall be retained by the clerk thereof, and if the presiding judge of the said court is at any time during the first week of the opinion that there is a sufficient number of cases on the docket to require a second week, he shall order the clerk to deliver said venire of jurors to the sheriff, who shall forthwith summons said jurors for the second week.

SEC. 4. Be it further enacted, That demurrers and pleas shall be filed in the first day of said court. Pleas.

SEC. 5. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved Feb. 21, 1893.

No. 356.] AN ACT [H. B. 979

To amend an act to establish a new charter for the city of Sheffield, in the county of Colbert, State of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That section 27 of an act entitled an act to establish a new charter for the city of Sheffield, in the county of Colbert, State of Alabama, be and the same is hereby amended to read as follows: Section 27. Be it further enacted, That the city council shall have power to levy and collect from all persons, firms or corporations trading or carrying on any business, or character of business, trade or profession, by agent or otherwise, in said corporate limits, whether such business, trade or profession is licensed or taxed by the State or not, a license tax on such business, trade or profession, but mechanics who employ no capital, but conduct their trade solely by their own labor and attention, without employes, shall not be subject to payment of license; Provided, that no license tax shall exceed the sum of two hundred dollars, except to retail vinous, spirituous and malt liquors, which shall not be less than three hundred dollars, but the license tax on dealers in malt liquors alone shall not be less than fifty dollars; to assess, levy and collect each year taxes on all real and personal property, in said city for general purposes; to assess, levy and collect each year taxes on all real and personal property in said city for License tax. Taxes.

payment of bonds hereinafter authorized to be issued, and for the support of public schools; personal property, stocks of merchandise included, not in said city on the first day of January of any year, but brought into the city during the year, shall be assessed and taxed pro rata from the remainder of each year from the date it may be brought in to said city. The assessment herein provided for shall be made under such regulations as the city council may from time to time prescribe. Any property which may have escaped taxation in any previous year may be assessed for such years as such property may have escaped such taxation; Provided, that all real and personal property used exclusively for manufacturing purposes,

Exemptions from taxation.

while in active operation shall be exempt from taxation by said city until the expiration of six years from the first day of January, 1893, but this exemption does not apply to any of the property of persons, corporations or companies directly or indirectly interested in what are commonly known as commissary stores, or permitting any store to be located on their premises; Provided, further, that all property used exclusively for church or charitable purpose shall be exempt from taxation by said city.

SEC. 2. Be it further enacted, That section 21 of said act shall be amended as follows—by adding after the words "it may be prescribed by the council," the following words: "or he may appoint a suitable person to hear and determine causes, and in case he does appoint such person, then the fees and salary to which the mayor would be entitled for such services shall be paid to such appointee."

Approved February 21, 1893.

No. 357.] AN ACT [H. B. 631

To amend sections 1, 3, 20, 21 of an act entitled "an act to incorporate the city of Sylacauga, Talladega county, approved February 26, 1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act to incorporate the city of Sylacauga, Talladega county, Alabama, approved February 26, 1887, be amended so that

the same shall read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That the city of Sylacauga, in Talladega county, Alabama, be and the same is incorporated, and the corporate limits of said city shall embrace an area of land as follows: The whole of section twenty-nine (29), and the north half of section thirty-two (32), all in township twenty one (21) south, of range four (4) east, in Coosa land district. Limits.

SEC. 2. Be it further enacted, That section three be amended so as to read as follows: Section 3. Be it further enacted, That the city of Sylacauga shall be divided by the mayor and board of aldermen of said city in four wards, the boundary of which wards may be changed or altered at pleasure, and each ward shall be entitled to two aldermen who must reside therein at the time of their election, and who are to be elected by the qualified voters of Sylacauga, as hereinafter provided; that in case of the death, resignation, or removal of an alderman out of his ward into another ward, or outside of the city of Sylacauga, it shall be the duty of the remaining aldermen, in a reasonable time thereafter, to elect a successor to said alderman from the qualified voters of the ward from which he was originally elected, and thereupon the term of said alderman shall expire. But until such new election no alderman's office shall be vacant by such resignation or removal from the city or from his ward, but he shall continue to act as such de jure, and shall be entitled to vote upon all measures coming before the board of aldermen, until his successor is elected, and exercise all authority, power and duties of an alderman, and be subjected to all responsibility thereof; Provided however, he shall not have the right to vote for his successor, nor shall he have the right to vote on any preliminary questions looking to the election of his successor. Wards. Vacancies.

SEC. 3. Be it further enacted, That section twenty of said act be amended so as to read as follows: Section 20. That the said taxes on real and personal property shall not in any year exceed one-half of one per centum of the value of said property; but may be equal to that amount, and the same shall be levied according to the same assessment and valuation of the property taxes as assessed for State taxation during the preceding year, and for this purpose said mayor and aldermen of Sylacauga are authorized to obtain each year from, the judge of probate of Taxes.

Talladega county, Alabama or from the records in his office, a transcript from the tax books of the preceding year, showing what real and personal property in the city was assessed for taxation during that year and the value thereof. All taxes shall be due and payable on the first day of January of each year upon the property assessed for taxation by the State for the previous year.

SEC. 4. Be it further enacted, That section twenty-one of said act be amended so as to read as follows: Section 21. That the said mayor and aldermen shall have authority to assess and collect annually on each male inhabitant between 18 and 50 years of age a special tax, not exceeding $5.00 as a street tax; Provided, that any person liable for such street tax may relieve himself by working on the streets of said city six days under the direction and control and at the convenience of the street superintendent, or other officer appointed by the mayor and alderman for such purpose, and they may provide such penalty for the failure to pay such tax or do such work on the streets as is now provided by law for default in working the public roads of Talladega county, Alabama, and the mayor of said city shall have jurisdiction over such cases. The inhabitants of said city are exempt from working on the road and highways outside of the city.

Special street tax.

SEC. 5. Be it further enacted, That said sections 1, 3, 20, 21 of said act as they existed prior to the passage of this act be, and the same are, hereby repealed.

Approved February 21, 1893.

No. 358.] AN ACT

To make appropriations to pay certain rewards for absconding felons, earned during the fiscal year l892.

SECTION 1. Be it enacted by the General Assembly of Alabama, That there be, and is, hereby appropriated, to be paid out of any moneys in the treasury not otherwise appropriated, on the approval of the governor, the following sums of money to pay the following designated rewards to the following named persons, or

other persons being entitled thereto, for the arrest of absconding felons during the fiscal year ending September 30, 1892, to-wit:

To John A. Cocke, of Meridian, Mississippi, for the apprehension of Henry Lewis, two hundred dollars.

To S. C. Martin, for the apprehension of Henry Webb, two hundred dollars.

To J. D. Wilder, J. C. Moore and T. J. Pickett, for the apprehension of Sherman Ark, two hundred dollars.

Approved February 21, 1893.

No. 359.] AN ACT [H. B. 466

To establish a separate school district, to be known as the Mellville School District, in Winston county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That a separate school district, to be known as the Mellville School District, in Winston county, Alabama, be, and the same is, hereby established, to consist of the following territory, to-wit: Sections 32, 33 and 34, and the south half of each of sections 27, 28 and 29, and southeast quarter of section 31, all in township 11, range 6, west; also sections 3, 4 and 5, and the north half of each of sections 8, 9 and 10, and all of section 6 that lies east of the west prong of Dismal creek, all in township 11, range 6, west. Boundaries.

SEC. 2. Be it further enacted, That the educational affairs of said school district shall be under similar control as that of the township districts of the State, and shall be managed by three trustees, who shall be elected by the qualified electors of said school district, in the same manner and under the same provisions as is by law established for Winston county, Alabama. Control of district.

SEC. 3. Be it further enacted, That the county superintendent of education of Winston county shall appoint three trustees, residents of said school district, to hold office until their successors shall be duly elected and qualified.

Approved Feb. 21, 1893.

No. 360.] AN ACT [H. B. 1086

To establish the Magnolia School District in Lowndes county.

Section 1. Be it enacted by the General Assembly of Alabama, That the Magnolia School District in Lowndes county is hereby established; that the territory
Limits. embraced therein shall consist of township thirteen (13) of range fourteen (14), and the east half of township thirteen (13) of range thirteen (13), and section one (1) of township twelve (12), range thirteen (13), and section six (6) of township twelve (12), range fourteen (14), all in Lowndes county.

SEC. 2. Be it further enacted, That all public school
Funds. funds to which said township and sections, or portions of townships or sections embraced therein are entitled to receive under the existing or future laws of this State, shall be, and the same are, hereby made the school fund of said district.

SEC. 3. Be it further enacted, That the county superintendent of said county shall, on the first day of
Trustees. July, 1893, and every two years thereafter, appoint five trustees of said school district, who shall be resident voters within the same, and who shall have all the authority, duties and privileges of trustees of township schools in this State, which are now or which may be hereafter provided by law, and who shall hold their office till their successors are appointed.

Approved February 21, 1893.

No. 361.] AN ACT [H. B. 769.

To provide for the drawing of juries for the second week of the spring and fall terms, 1893, of the circuit court of Clarke county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the jury commissioners of Clarke county shall meet on the first Monday in March, 1893,
Drawing juries and proceed to draw the names of the requisite number of persons, as now provided by law, to serve as

petit jurors for the second week of the spring term, 1893, and the second week of the fall term, 1893, of the circuit court of Clarke county.

SEC. 2. Be it further enacted, That said commissioners shall prepare a list of the persons drawn as petit jurors for the second week of each term separately, and envelope and seal the same, with an endorsement on the outside of the package to the clerk of the said court; that said clerk shall retain each of said packages, respectively, in his possession without breaking the seal or opening the same until thirty days before the term of court for which such jurors were drawn; that said clerk shall, as now provided by law, issue the venire thereon, directing the sheriff to summon the person so drawn, but shall retain said venire in his possession until directed by the presiding judge of said court to deliver the same to the sheriff. Jury lists.

SEC. 3. Be it further enacted, That if the persons so drawn to serve as petit jurors at the respective terms and the week of each subsequent term of said court are not summoned, it shall be the duty of the clerk to return said lists within thirty days after the adjournment of the circuit court to the president of the jury commissioners, who shall, at the next regular meeting of said commissioners, deposit the names of said persons in the jury box.

Approved February 21, 1893.

No. 362.] AN ACT [H. B. 581.

To be entitled an act to authorize and empower the mayor and council of the town of Union Springs, in Bullock county, to license and regulate market houses, butcher shops, and sale of fresh meats in said town.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the town of Union Springs, in the county of Bullock, is authorized and empowered by ordinances to license and regulate the keeping of market houses, butcher shops, and also

to regulate the sale of all fresh meats within the corporate limits of said town of Union Springs.

Approved Feb. 21, 1893.

No. 363.] AN ACT [H.B. 1015.

For the relief of John M. Longhorne, a citizen of Perry county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the State and county taxes to be assessed and collected on the following described land in Marengo county, to-wit: The 30 acres of east end of south half of northeast quarter of section 13, township 17, and range 5, the property of John M. Longhorne, of Perry county, shall be assessed and collected by the tax assessor and tax collector of Perry county.

Approved Feb. 21, 1893.

No. 364.] AN ACT [H. B. 896.

To ratify and confirm the organization of the Tredegar Mineral Railroad, and to confirm and amend the charter thereof.

Section 1. Be it enacted by the General Assembly of Alabama, That the organization of The Tredegar Mineral Railroad, a corporation formed under the general laws of Alabama, be and the same is hereby ratified and
Incorporation confirmed, and The Tredegar Mineral Railroad is hereby
confirmed. declared to be a body corporate under the laws of Alabama, and by that name, or any other name, said corporation may adopt, is hereby authorized to sue and be sued, to make a common seal, and the same to break, alter and renew at pleasure ; to have and to hold real and personal property for present and future business of said company, and to sell, lease, mine and in any way develop any and all the real estate it may acquire, either by purchase or by lease, and to sell and market the pro-

ducts thereof ; and generally to have and to enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and to have, enjoy and secure its franchises in any other state that may grant, authorize, or permit same; to make rules, regulations and by-laws for the management of said company, the same not being contrary to the laws of this State.

SEC. 2. Be it further enacted, That said company is hereby authorized and empowered to survey, locate and construct, alter, maintain and operate a railroad with one or more lines, from the town of Jacksonville, Calhoun county, Alabama, through said county, and the county of Cherokee, Alabama, in a northwest direction to the Chattanooga Southern Railroad, at a point either in the State of Alabama or the state of Georgia, with branches from said Tredegar Mineral Railroad in such routes as may be found best for the interests of said company. Locate and build railroad.

SEC. 3. Be it further enacted, That for the purpose of constructing said railroad and branches, the said company is authorized to lay out the same, not exceeding one hundred feet wide, and for the purpose of depots, machine shops,, ware and engine houses, water stations, car shops or chutes, eating houses, car or depot yards, necessary or convenient for the business of the company and for the purpose of cuts, embankments, switches, connecting tracks or turnouts, and for obtaining earth, stone, gravel, timber or other material or for the purpose of protecting its structures, may take as much more land as the necessities of such company may from time to time require for the use and protection of said railroad and structures. Provided, that said land shall not be taken or applied to the purposes stated unless just compensation to the owner shall first be made as provided by the constitution and general laws of the State ; but said company may previously enter on any lands for the purpose of surveying, locating and laying out its said railroad and structures. May acquire land.

SEC. 4. Be it further enacted, That the said company may also survey, locate and construct and operate its said line or lines of road in, and. along the streets, alleys and avenues and public grounds in the town of Jacksonville, or any other towns through which said road may pass ; Provided, that said railroad company, before constructing its said line or lines of road in any street, alleys, av- Building through town.

enues or public grounds in said town, where the rights to construct the same has not heretofore been granted by the corporate authorities of said towns, shall first obtain the consent of the corporate authorities of said town, to the construction and operation of said railroad, and nothing in this act shall be so construed as to abridge or impair the power and authority of the corporate authorities of said towns over the streets, alleys, avenues and public grounds thereof.

SEC. 5. Be it further enacted, That there is hereby granted to said Tredegar Mineral Railroad a right of way over any of the lands of this State.

Right of way.

SEC. 6. Be it further enacted, That whenever necessary to secure a convenient and suitable location, or whenever the topography of the line of railroad may require, said rail road company may cross or build over the right-of way of any other railroad for a consecutive distance, not exceeding in any case five miles, and said railroad or branches may be built on, or along, or across any of the public wards or highways of the State, or across or along the streets of any incoporated town or city through which it may be necessary to pass, or across any of the navigable waters along the line or lines of its road ; Provided, that the said highways, wards and streets, shall, after the construction of said railroad thereon or thereover, be restored to as good a condition as practicable ; Provided further, that in crossing over a river at any navigable point, they shall place therein a drawbridge giving a clear passage of not less than fifty feet ; Provided further, that in case the right-of-way or material shall be condemned, it shall be done under the forms and requirements of the law as now provided, and the consent of the incorporated towns and cities shall first be had and obtained to the use of said street and alleys for such right of way before the same shall be used and occupied.

Crossing roads or streams.

Right of way.

SEC. 7. Be it further enacted, That the corporate powers of said company shall be vested in a board of directors of not less than five nor more than eleven members, as shall, from time to time, be fixed by the by-laws, and in any other such officers or agents as the board of directors shall see fit to authorize or appoint. The board of directors shall consist of stock-holders, to be annually chosen by the stock-holders of said company. A majority of the directors shall be a quorum for the transaction of any business.

Board of directors.

SEC. 8. Be it further enacted, That said company by a vote of two thirds in value of its entire stock, at a meeting of the stock-holders called for the purpose, notice of the time and place of which meeting, and the purpose for which it is called, having been given in a manner prescribed by the directors, may acquire by purchase, lease or otherwise any part, or all of any other railroad; Provided, the lines of said railroad are continuous or connected with the road of the Tredegar Mineral railroad, as constructed, or proposed to be constructed, or may lease to, or sell to, or enter into any arrangement with the said connected or continuous line, as may be agreed upon between them, and the said Tredegar Mineral railroad may consolidate with any other railroad if the lines of said railroad are continuous or connected with its lines, as constructed or proposed to be constructed. Connection with other roads.

SEC. 9. Be it further enacted, That the said company may borrow money for the purpose of carrying out the objects of its charter, and may make notes, bonds, or other evidences of debt, and by a vote of the majority of its stock, had at a meeting called for this purpose, notice of the time and place of which meeting, and the purposes for which it is called, having been given for such a time and in such manner, as the directors of this company shall require, may secure payment of notes, bonds, and other evidences of debt, by mortgage or deed of trust, on its franchise, and on any or all of its property, both real and personal. May borrow money.

SEC. 10. Be it further enacted, That said railroad company may construct and operate a telegraph line or lines, in and along and upon any and all of its rights of way for its own use, and also for the purpose of doing a public telegraph business; but said company shall not be compelled to do a public telegraph business on its line or lines or at any station thereof, unless it so desires; Provided, that this right shall not exclude any other persons or corporations from constructing similar lines of telegraph along said right of way, as now provided by law. Telegraph lines.

SEC. 11. Be it further enacted, That the Tredegar Mineral Railroad has authority to increase its capital stock to a sum not to exceed one million dollars, or to Increase or decrease of capital.

decrease its capital stock to a sum not less than fifty thousand dollars, but such increase or decrease can be made only at a meeting of the stockholders called for that purpose, and by a vote of the persona holding a majority in value of the capital stock; notice of the time and place and purpose of such meeting must be given to the stockholders for such time and in such manner as the directors shall determine. If at such a meeting the persons holding a majority in value of all the stock vote for such increase or decrease, the proceedings of the meeting must be reduced to writing, and entered upon the books of the minutes of the company, and a copy thereof, verified by the secretary and the president under the corporate seal must be filed and recorded in the office of the secretary of State.

Increase of bonded debt.

SEC. 12. Be it further enacted, That the indebtedness of the corporation, evidenced by negotiable bonds, or bonds of any form, and secured by mortgage or deed in trust, may be increased only at a meeting of the stockholders called for that purpose, notice of which meeting, the time and place and purpose, must be given the stockholders, for such time and in such manner as the directors shall determine, and such increase shall be made only by a vote at said meeting of such persons as hold a majority in value of all the capital stock.

Stockholders meetings.

SEC. 13. Be it further enacted, That the stockholders must meet annually at such time and place, and on such notice as may be prescribed by the by-laws for the election of directors and other officers, and the transaction of other business generally. At such annual meeting any business authorized to be transacted at a special meeting, may be transacted, if notice be given as required in reference to a special meeting, that such business will be transacted.

Additional powers.

SEC. 14. Be it further enacted, That said Tredegar Mineral Railroad shall have and possess, in addition to the powers hereby granted, all the rights, powers, and privileges which are, or may hereafter be conferred, by the statutes of Alabama upon railroad companies organized under the general laws of the State; and nothing in this act shall be construed to preclude

or prevent said railroad company from exercising such rights, powers and privileges in the manner provided for such corporations organized under the said laws.

Approved Feb. 21, 1893.

No. 366.] AN ACT [H. B. 686.

To protect the ring-necked pheasant (phasianus forquatus) and Mexican quail, sometimes called California quail, in the State of Alabama.

Section 1. Whereas, It is contemplated by certain persons to introduce into the State the game bird known a the ring-necked pheasant (phasianus forquatus) and Mexican quail, sometimes called California quail.

Killing or catching.

Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person or persons to shoot, catch, trap, kill or pursue with such intent, any ring-necked pheasant within the borders of the State of Alabama for the space and term of eight years from the first day of June, 1893.

Penalty.

SEC. 2. Be it further enacted, That any person violating the provisions of the foregoing section shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than one hundred dollars; Provided, that one-half of said fine shall go to the informer, and the other half to the public school fund of the county in which the offense was committed.

Having in possession.

SEC. 3. Be it further enacted, That the having of one or more of said birds in possession by any person or persons (except the person or persons who are importing or have imported them into the State) shall be presumptive evidence of a violation of the provisions of the first section of this act.

SEC. 4. Be it further enacted, That justices of the peace shall have jurisdiction to try all cases where any person or persons are charged with a violation of the provisions of this act.

Approved Feb. 21, 1898.

No. 366.] AN ACT [H. B. 243.

To provide for the better support and maintenance of the public schools of Blount county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the commissioners court of Blount county, Alabama, be and they are hereby directed and required to levy and have collected under the laws of this State for the year 1893, and each year thereafter a tax of ten cents on the one hundred dollars worth of the value of all taxable property in said county, as assessed for revenue for the State, for the support and maintenance of the public schools in said county as hereinafter provided.

Amount of tax

SEC. 2. Be it further enacted, That it shall be the duty of the tax collector of said county to pay over to the county treasurer, as herein provided, all moneys collected by him and on hand under the provisions of this act, on the first day of January of each year, and on the first day of each month thereafter, until the same shall have all been paid.

Money paid to treasurer.

SEC. 3. Be it further enacted, That it shall be the duty of the county treasurer of said county to keep a separate account of all funds paid to him to the credit of the public schools, and it shall be unlawful for any of said public school funds to be used for, applied, or appropriated to any other use whatsoever.

Funds kept separate.

SEC. 4. Be it further enacted, That it shall be the duty of the county superintendent of education to furnish, by the first day of October of each year, to the county commissioners the census of the school children taken under the law of Alabama showing the number of children within the school age of the several townships and separate school districts within said county.

Census of children.

SEC. 5. Be it further enacted, That the county commissioners shall as soon as practicable after the assessment of taxes and receipts of the census provided for in section 4 of this act, in every year determine what amount of such school fund shall be appropriated to the several townships and separate school districts in said county, and the amount so determined, shall be in exact proportions to the number of children in such township or separate school district as shown by the last census taken of school children under the laws of this State next

before such action of the county commissioners, and they shall furnish the county superintendent of education and the treasurers of incorporated towns and cities having and maintaining public schools under special school laws, the amount of such school fund apportioned by them to the several townships, separate school districts and incorporated towns and cities, and upon such determination it shall be the duty of the county treasurer to pay the county superintendent of education the amounts allowed by the commissioners court for the several townships in said county, and to the treasurers of incorporated towns or cities within said county having a separate school district or schools managed or controlled by such town or city authorities, the money allowed by the commissioners court for such incorporated towns or cities; such payments to be made upon the warrant of the probate judge of said county, and money, thus paid shall be used exclusively for the support and maintenance of the public schools within the respective townships and separate school districts and for no other purpose ; and under the laws of the State governing the disbursement of other school funds.

Money paid out by county superintendent.

SEC. 6. Be it further enacted, That the county superintendent of education shall be paid in addition to the compensation now fixed by law, such amount as the court of county commissioners may deem to be just and fair, but in no case to exceed one per cent. of all the funds disbursed by him under this act.

Pay of county superintendent.

SEC. 7. Be it further enacted, That the tax assessor and tax collector of said county shall respectively assess and collect said tax without additional compensation.

Approved Feb. 21, 1893.

No. 367.] AN ACT [H. B. 470.

To create a separate school district at East Lake in township 17, range 2, W. in Jefferson county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That sections 10, 11, 14 and 15, in T. 17, R. 2, W., in Jefferson county, Alabama, shall constitute a separate school district, to be known as the East Lake school district.

Limits.

SEC. 2. Be it further enacted, That the said school district shall have three trustees, who shall be householders and freeholders, residents in said district, and who shall be appointed by the county superintendent of education, and hold office for a term of two years and until their successors shall qualify; Provided, that the first appointment of said trustees shall be made within sixty days after the passage of this act who shall continue in office until the 1st day of October, 1895.

Trustees.

SEC. 3. Be it further enacted, That said school district shall be entitled to receive its proper proportionate share of all funds raised or appropriated by the State or county, for public schools; also its proportionate share of the sixteenth section fund accruing to the township of which said school district is a part, and it shall receive all poll tax which may be collected from residents of said school district and all funds which may be donated thereto.

Funds.

SEC. 4. Be it further enacted, That said board of trustees are authorized to establish and locate one school for each race, and but one to be taught each year within said district, and elect officers and teachers for the same, and shall perform all other duties necessary to the proper organization, regulation and maintenance of such schools, making contracts with teachers, and approving reports in the manner provided by the general school law for trustees of townships.

Location of schools.

SEC. 5. Be it further enacted, That said board of trustees shall take such steps as they may deem advisable to have built a suitable school building on the public school property in said district for the white children, and shall do what they may deem best to help and encourage the patrons of the colored school to have built a suitable building for the colored children in said district, on a lot selected by said trustees.

School building.

Approved February 21, 1893.

No. 368.] AN ACT [H. B. 353.

To permit and provide for the incorporation of separate school districts in the county of Lauderdale.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of any township, set-

tlement or neighborhood in the county of Lauderdale, may become a body corporate as a school district, for the purpose of establishing and maintaining public schools in the manner and with the powers hereinafter expressed, upon a petition in writing, addressed to the judge of probate of the county in which they reside, signed by fifteen or more of the adult male householders or free holders, stating the name and the boundaries by which it is proposed to incorporate such district. Petition to probate judge.

SEC. 2. Be it further enacted, That upon presentation of such petition, such judge must direct, an election to be held within thirty days thereafter, at a place in such township, settlement or neighborhood, by him designated, under the direction of three inspectors appointed by him. Election ordered.

SEC. 3. Be it further enacted, That all male inhabitants over twenty-one years of age, who have resided within such boundaries for three months next preceding the election, can vote, if not otherwise disqualified. Electors.

SEC. 4. Be it further enacted, That the polls must not be opened before ten o'clock in the morning, and the inspectors, before receiving any ballots, must take an oath to conduct the election fairly. The voters must write upon their ballots " School District," or "Non-School District," and the inspectors must receive and deposit the same in the ballot box. Ballots.

SEC. 5. Be it further enacted, That the inspectors must, within five days thereafter, certify the result to the judge of probate; and if a majority of the votes cast at the election are for "school district," he must within three days make an entry of record, that the inhabitants of such township, settlement or neighborhood are incorporated as a school district, by the name and with the boundaries designated in the petition, whereupon the inhabitants of such township, settlement or neighborhood are incorporated and invested with the rights incident to such incorporations. Order of judge

SEC. 6. Be it further enacted, That the business of the school district be managed by three trustees, who are styled the board of school trustees of the district, and hold office for two years, and until their successors are elected and qualified. Trustees.

SEC. 7. Be it further enacted, That no person can hold the office of school trustee who has not resided in the district for three months preceding the election. Vacancies may be filled by appointment by the county superintendent of education.

Who may hold office.

SEC. 8. Be it further enacted, That the judge of probate must notify the superintendent of education within three days after the returns of the inspectors, of the entry of record of such incorporation, and the said superintendent must, within five days of such notice, appoint three inspectors, a place of voting in such district, and a day not more than ten days from such notification, for the election of trustees; notice of the day and place of election must be by the superintendent posted at three conspicuous places in the district at least five days before the election.

Election of trustees.

SEC. 9. Be it further enacted, That the qualification of the electors and the oath of the inspectors must be as in the election of incorporation. If no choice is made, by reason of two or more persons receiving the same number of votes, the inspectors must decide between such persons by lot.

Tie vote.

SEC.10. Be it further enacted, That all subsequent elections after the first, and the inspectors and the voting places, are appointed by trustees of the district, and the qualification of voters must be the same as at the first election; all ties must be determined by lot.

Future elections.

SEC. 11. Be it further enacted, That should the election not take place on the day appointed, the corporation is not for that cause dissolved, but the trustees must appoint another as early as practicable for holding the election.

If election not held.

SEC. 12. Be it further enacted, That two members of the board shall constitute a quorum, but one of them shall have power to adjourn a meeting in case of the absence of other members.

Quorum.

SEC. 13. Be it further enacted, That such separate school district shall receive the proportionate share of the public school fund coming to the county in which it is situated, including the pro rata share of the sixteenth section fund of each township that may lie wholly or partly within such district,, said funds to be drawn and applied by the board of trustees, for the benefit of the

School fund.

schools of their district; and such Incorporated school district is authorized to increase its school funds by receiving donations; also, the trustees of such incorporate school district are hereby authorized to further increase their school fund by levying a tax of ten cents on each one hundred dollars worth of the taxable property, both real and personal, of such district, which shall be collected as the general taxes for the State and county are collected, but the proceeds of such tax shall be applied exclusively to the benefit of the school of the district within which it shall have been levied, and the proceeds thereof shall be paid over to the board of trustees of such school district, directly, and no officer through whose hands the proceeds of such tax shall pass, shall be entitled to any compensation, charge, fee or commission for collecting or disbursement of such money. School tax.

SEC. 14. Be it further enacted, That each member of the board of school trustees shall, upon entering upon the duties of his office, take an oath to faithfully discharge all the duties enjoined upon him as such officer. The trustees shall serve without compensation, and shall not be allowed to charge commission on any moneys, from whatever source, which may come into their hands, for the use or benefit of the schools of their district. Oath of trustees.

SEC. 15. Be it further enacted, That the said board of school trustees shall have the power to build at convenient and accessible places in their district suitable houses for the schools of their district, and to take possession, for the benefit of the schools in their district, all public school houses that may be in existence therein at the organization, keep them in repair and furnish them as they think best. They shall have power, with the consent and advice of the county superintendent of education, to elect all teachers, fix their salaries, and prescribe their duties, dictate the course of instruction, the number and character of the text books, the method of teaching, the number of schools, and prescribe the rules and regulations for the government of said school. School buildings.

SEC. 16. Be it further enacted, That the county superintendent of education shall perform the same duties, exercise the same supervision and report on the condition of all schools in the district created under this act, in the same manner as now prescribed by law in regard to public schools of this county, in so far as the exercise County superintendent.

of such functions is not inconsistent with the provisions of this act.

SEC. 17. Be it further enacted, That all children who are residents within the limits of such school district, from seven to twenty-one years of age, shall be entitled to seats in the public schools of such district ; Provided, such children shall themselves be bona fide residents of such districts, and non-resident children may be admitted into such schools on such terms and conditions as the board of such school trustees may prescribe, but separate schools shall be provided for colored children.

Pupils.

SEC. 18. Be it further enacted, That the adult male inhabitants may by petition in writing to the probate judge of Lauderdale county, propose an alteration or change of the name, or the boundaries of said school district, stating the alteration or change proposed, and on the filing of such petition the judge of probate must order an election, to be held and conducted in all respects as the election for the original incorporation, and if at such election a majority vote for the proposed alteration or change, the fact must be certified to such judge by the inspectors, and on the filing of such certificate lie must make and enter an order allowing such alteration or change.

Change of name, etc.

SEC. 19. Be it further enacted, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved February 21, 1893.

No. 369.] AN ACT [H. B. 407.

To amend an act entitled an act to regulate the trial of misdemeanors in Shelby county, approved February 12, 1891.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to regulate the trial of misdemeanors in Shelby county, approved February 12, 1891, be amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That the county court of Shelby county shall have jurisdiction of all misdemeanors committed or triable in said county.

Jurisdiction.

SEC. 2. Be it further enacted, That all indictments for misdemeanors that may hereafter be preferred by the grand jury of said county must be returned by the clerk of the circuit court of said county, to the Judge of the county court, and be, by the clerk of said circuit court, as ex officio clerk of the county court, filed in said county court. Process must be issued by said clerk upon said indictments, and all proceedings shall be had in such case, and in prosecutions commenced by affidavit as are now had in the circuit court, except as may be modified herein. Transfer of cases.

SEC. 3. Be it further enacted, That prosecutions may be instituted or commenced in said county court, as now provided by law in county courts, to be thereafter subject to the provisions of this act. Prosecutions.

SEC. 4. Be it further enacted, That the clerk of the circuit court shall be ex-officio clerk of the county court, and he shall have authority to issue warrants of arrests returnable to said court, and the practice and proceedings therein shall conform to the practice and proceedings of the circuit court of the State except as herein modified. Clerk.

SEC. 5. Be it further enacted, That the assistant or county solicitor shall prosecute all cases of misdemeanors tried in the county court and for such services shall receive the fees taxed against defendants convicted in said court. Solicitor.

SEC. 6. Be it further enacted, That there shall be four regular terms of said court to be held at the court house of said county, at such times as may be determined by the judge of said court, and all of said terms shall be jury terms. Terms.

SEC. 7. Be it further enacted, That the commissioners court of said county at its last regular term held in each year shall draw from the jury box now provided by law for the circuit court, the names of forty-eight respectable house holders or free holders, to serve as jurors in said county court for the next succeeding year, and shall place the names of twelve of said house holders or free holders inside of each of four envelopes and seal them up and deliver the same to the judge of the county court; Provided, that the jurors heretofore Drawing juries

drawn by said commissioners court for the county court for the year 1893, shall be the legal jurors for the first three terms of said year, and that the sheriff of said county be authorized to summon a jury from the by-standers for the fourth term of said court for the year 1893.

SEC. 8. Be it further enacted, That said county court shall always be open for the trial without jury of all persons in jail charged with misdemeanors, and unable to give bond.

Court always open.

SEC. 9. Be it further enacted, That it is the duty of the judge of the county court, and he is hereby required, ten days before each term of said court, to break the seals of one envelope delivered to him by said commissioners court, and deliver the names to the sheriff of said county, and said sheriff shall, without delay, summon said men to appear at the next term of said county court, to serve as jurors in said court.

Jurors summoned.

SEC. 10. Be it further enacted, That prosecutions may be commenced in the county court by affidavits made before any judicial officers of said county and also before the clerk of the county court.

Prosecutions.

SEC. 11. Be it further enacted. That all fees paid to the clerk and sheriff for services rendered in said county court shall be the same as those now allowed by law for similar services in the circuit court, and that the clerk shall receive for performing official duties not otherwise provided for as ex-officio clerk of the county court, to be paid from the county treasury, such sum as may be allowed by the court of county commissioners, not exceeding one hundred dollars per annum.

Fees.

SEC. 12. Be it further enacted, That if the judge of the county court be incompetent to try any cause pending in said court, the clerk thereof shall appoint a special judge, who shall preside, try and render judgment in said cause.

When judge incompetent.

SEC. 13. Be it further enacted, That the fees paid to the judge of the county court shall be as follows:- For trial of each case, three dollars, except where the case is nol. prosse., or the defendant pleads guilty, in which event be shall receive one dollar, and each judg-

Judge's fees.

ment against a defaulting witness, one dollar; and said fees shall be paid out of the county treasury.

SEC. 14. Be it further enacted, That all appeals from the county court shall be to the supreme court, and that in the trial of any cases without a jury in said county court, in addition to the questions which may be under existing laws presented to the supreme court for review, either party may, by bill of exceptions, also present for review the conclusions and judgment of the court on the evidence, and the supreme court shall review the same without any presumptions in favor of the ruling of the court below, on the evidence, and if there be error, shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings, as the supreme court shall deem right. Appeals.

SEC. 15. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved Feb. 21, 1893.

No. 370.] AN ACT [H. B. 234

To authorize the board of revenue of Montgomery county to issue bonds of said county, for an amount not exceeding three hundred thousand dollars, for the purpose of building and improving the public roads of the county, upon a permanent and well considered system, and for erecting bridges in said county.

Section 1. Be it enacted by the General Assembly of Alabama, That the board of revenue of the county of Montgomery be, and are, hereby authorized to issue bonds of said county of Montgomery to an amount not exceeding three hundred thousand dollars, or so much thereof as said board of revenue may deem necessary for the purposes hereinafter named; one-half of said amount in sums of five hundred dollars each, and the remaining half in sums of one thousand dollars each, and shall be numbered from one to four hun- Bonds to be issued.

dred and fifty, consecutively; the odd numbers shall be in the sum of five hundred dollars each, and the even numbers in the sum of one thousand dollars each, and payable at such place or places as said board of revenue may designate, at such time or times, not exceeding forty years from the date thereof, as may be designated by said board of revenue. Said bonds to bear interest at a rate not exceeding five per centum per annum, and said bonds shall be exempted from county and municipal taxation; Provided, that after

Redemption of bonds. the expiration of twenty years from the date of the issuance of said bonds, the said board of revenue may pay off and redeem annually twenty thousand dollars of said bonds, beginning at number one and redeeming consecutively until all of said bonds have been paid off and discharged.

Bonds to be signed. SEC. 2. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall he signed by the clerk of said board of revenue of said county, and countersigned by the president of said board of revenue, and the seal of the said board of revenue shall be affixed thereto; and the clerk of said board must keep a correct record and account of all the bonds issued and disposed of under this act.

General powers of board. SEC. 3. Be it further enacted, That the said board of revenue of said county of Montgomery are hereby authorized to do any and all things authorized by this act that may be necessary to carry out the powers hereby granted, either through themselves or by any agent or agents duly appointed by them for that purpose at any term of said board of revenue, whether at a regular or special term thereof, and no technical informality, irregularity, neglect or omission in the proceedings or records of said board of revenue shall, in any wise, vitiate or annul said bonds or coupons, which shall have all the protection of commercial paper.

Sale of bonds. SEC. 4. Be it further enacted, That the board of revenue of said county are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than par (100 cents on the dollar), and the proceeds of said bonds shall be paid over to and kept by

the treasurer of said county, and to be issued and applied to pay for the building of and improving the public roads of the county upon a permanent and well considered system, and for erecting bridges in said county; such use, payment and application of said proceeds to be under the direction and by authority of said board of revenue of said county of Montgomery and the said county treasurer to be responsible for the safe keeping of all the proceeds arising from the sale of said bonds which may come into his hands in his official capacity, the same as for other county funds or money in his bands as such treasurer; and there shall be no commissions paid said county treasurer for disbursing the funds arising from the sale of the bonds named in this act.

Proceeds of bonds.

SEC. 5. Be it further enacted, That it shall be unlawful for the said board of revenue or any member thereof, or any of the officers of the said county of Montgomery to apply the proceeds of sale of any of the bonds issued by authority of this act, to any other purpose than that hereinbefore specified.

Misapplication of money.

SEC. 6. Be it further enacted, That the coupons attached to said bonds herein authorized to be issued shall, as they respectively mature and become payable, be receivable for all county taxes and county due's in said county of Montgomery.

Coupons receivable for taxes.

SEC. 7. Be it further enacted, That none of said bonds shall be issued before the first day of March, 1895.

SEC. 8. Be it further enacted, But before any of the bonds provided for in this act shall be issued, the question shall be submitted to the qualified voters of Montgomery county for their consideration, at the next general election for State and county officers, whether or not they are in favor of the issue of said bonds; that it shall be the duty of the sheriff and other officers in said county of Montgomery charged by law with the superintendence and returning of the votes of the next general election for State and county officers, as aforesaid, to open a poll for the vote of the qualified electors on the proposed issue on said bonds, said sheriff or other returning officer to make a return of said vote to the probate judge of said county within the time and in the manner prescribed by law for

Vote on issuing bonds.

the making up and forwarding to the secretary of state of the vote for said officers at such election; that the vote at said election on said proposed issue of bonds shall be by ballot, the ballot to be a plain piece of white paper, of the size and description now provided by law for the ballot cast at general elections, and to have printed or written, or partly printed and partly written upon it, those for said proposed issue of bonds, "For issue of bonds," and those against it, "Against issue of bonds;" and if majority of the qualified voters of said county voting at said election vote against the issue of said bonds, then the said board of revenue shall not have any authority under this act to issue or negotiate the sale, or to sell or otherwise dispose of any of said bonds.

Penalty for breach of duty by sheriff or other officer charged with the superintendence of election.

SEC. 9. Be it further enacted, That for a breach in the performance of the duties herein prescribed, the sheriff or other officer charged with the superintendence of said election, shall forfeit the sum of five hundred dollars, to be sued for and recovered as in cases of other forfeitures by public officers to the State; and it is hereby made the duty of the judge of probate of said county, within sixty days after the said general election, to notify the county solicitor of the failure of such sheriff or other officer.

Result of election certified.

SEC. 10. Be it further enacted, That if it shall appear from said returns that a majority of all the qualified electors of said county who voted at such election voted in favor of the proposed issue of bonds, the judge of probate of said county shall immediately certify such result to the said board of revenue of said county.

SEC. 12. Be it further enacted, That the judge of probate of said county shall cause notice of the submission of the question of the issue of said bonds vel non as hereinabove provided for, to be published in one newspaper in the city of Montgomery, in said State, at least thirty days before the next general election for State and county officers as aforesaid.

Approved February 21, 1893.

No. 371.] AN ACT [H. B. 995.

To amend section 959 of the code, relative to county superintendents of education.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 959 of the code be, and the same is hereby, amended so as to read : Each county superintendent of education shall receive for his services four per cent upon the amount of all the educational funds legally disbursed by him, but such per centum must not be taken or used by him until after the disbursements have been made, and the credits allowed by the State superintendent of education.

Approved February 21, 1893.

No. 372.] AN ACT [H. B. 186.

For the relief of persons who purchased lands which had been sold for taxes from the State during the year beginning February 18, 1891, and ending February 18, 1892, and which lands were redeemed under the provisions of an act for the relief of parties whose lands have been sold for taxes, approved February 18, 1891.

Section 1. Be it enacted by the General Assembly of Alabama, That all moneys paid to the State for the purchase of lands which had been sold for taxes during the year beginning February 18, 1891, and ending February 18, 1892, and which lands were redeemed under the provisions of an act for the relief of parties whose lands have been sold for taxes, approved February 18, 1891, shall be refunded to the persons who paid said money, their administrators or assigns. Money refunded.

SEC. 2. Be it further enacted, That on presentation to the auditor of the State of the auditor's deed or certificate of purchase issued to the purchaser of any of said lands, or of satisfactory proof of the loss of said deed or certificate by the person to whom said deed or certificate was issued, or by his executor or administrator or assigns, or by the authorized agents of either of these persons, the auditor shall draw his warrant on the treasury for the Appropriation.

amount paid on said purchase, which shall be paid by the treasurer of the State on presentation, and a sufficient amount of money is hereby appropriated out of the State treasury for the payment of said warrants, and when any such claim is paid, it shall be the duty of the auditor to ascertain the amount heretofore paid the county in which such land is situated on account of such purchases, as fees, costs, taxes, penalty and interest, which amount he shall certify to the probate judge of such county, who shall present said claim at the next term of the commissioner's court of such county, when said court shall order a warrant in favor of the State for such amount, which warrant shall be a preferred claim against such county, and payable by the county treasurer to such probate judge, who shall forthwith forward such a warrant to the State treasurer, less expense of remittance, and report to the auditor the expense of such remittance.

Approved February 21, 1893.

No. 373.] AN ACT [H. B. 781

To levy and collect a tax on dogs in Fayette county, Alabama.

SEC. 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act it shall
Amount. be lawful to levy and collect a license tax of one dollar and fifty cents on all dogs over one to the head of each family in Fayette county, which, when collected shall be paid into the county treasury as all other taxes are now paid into the county treasury.

SEC. 2. Be it further enacted, That the tax assessor of Fayette county shall assess said dog tax as all other
Assessment. taxes are now assessed, and shall require each tax payer to answer under oath whether or not he is the owner or keeper of more dogs than one, and if so, how many, and whether or not he is the parent or guardian or employer of any person owning or keeping any dog or dogs on his premises; he shall list such dog or dogs against said parent or guardian or employer and assess the same against him as such.

SEC. 3. Be it further enacted, That the tax collector

of Fayette county shall collect the license tax assessed, under the provisions of this act at the same time and in the same manner as other State and county taxes are now collected, and that said tax shall go to the credit of the school fund of the county, to be distributed to the townships as the poll tax is now distributed. Collection.

Approved Feb. 21, 1893.

No. 374.] AN ACT [H. B. 818

To regulate the trial of certain misdemeanors committed in Bullock county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That hereafter whenever offenses are committed in Bullock county, Alabama, of which justices of the peace have final jurisdiction under laws now in existence, such offenses must be tried in the beat where they were committed, unless there is no justice of the peace, or constable in the beat where the offense is committed, in which event they may be tried before any justice of the county; Provided, this act shall not be so construed as to prevent the trial of such causes in the circuit courts of said county. Where triable.

SEC. 5. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 21, 1893.

No. 375.] AN ACT [H. B. 1061

To amend and ratify the charter of the Dallas Land company.

Section. 1. Be it enacted by the General Assembly of Alabama, That the "Dallas Land company," a corporation heretofore, on the 28th day of January, 1887, duly created and organized under and in accordance with the general corporation laws of this State, is hereby clothed and invested with, and may exercise all the rights, pow- Old charter confirmed.

ers, privileges and franchises set forth in and conferred by its charter; that is to say, the articles of incorporation thereof on file and of record in the office of the judge of probate of Dallas county in this State; and the said charter is hereby in all things ratified and confirmed.

SEC. 2. Be it further enacted, That said corporation by authority of its stockholders, at a special or annual meeting, be and the same is hereby empowered to receive its own paid up capital stock at not less than the par value thereof, in payment of the purchase money for lands and other property of said corporation, and the said capital stock, so acquired, may be retained as assets in the treasury of the corporation for the common benefit of its stockholders, or the same may be re-issued, or may be cancelled and retired as said stockholders may determine.

Receipt of stock.

SEC. 3. Be it further enacted, That said corporation, by its stockholders in convention assembled, be, and the same is hereby authorized, from time to time to reduce and decrease the capital stock thereof as the interest of said corporation may require, and in case of such reduction it shall be the duty of its board of directors to cause a certified statement of the date and amount thereof to be filed and recorded in the office of the judge of probate of Dallas county.

Reduction of capital.

Approved February 21, 1893.

No. 376.] AN ACT [H. B. 855.

To abolish the county court of Talladega, and invest its jurisdiction and powers in the city court of Talladega.

SECTION 1. Be it enacted by the General Assembly of Alabama, That after sixty days from the passage of this act, the county court of and for the county of Talladega is abolished, and its jurisdiction and powers conferred on the city court of Talladega.

Transfer of business.

SEC. 2. Be it further enacted. That all business in the said county court undisposed of at the expiration of sixty days from the passage of this act, shall be taken up at the next term of the said city court, and conducted as other criminal cases of like character therein, and disposed of in the usual course of business therein. The clerk shall produce all the papers and pleadings in each of said causes from the county court, with a certified transcript of the minute entries, file them in said city court, and docket the cases as the first cases on the criminal docket of said city court, and in the order they appeared on the docket of said county court.

Approved February 21, 1893.

No. 377.] AN ACT [H. B. 721.

To further regulate elections in the State of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the judges of probate shall superintend the registration of electors in their respective counties.

Registrars appointed.

SEC. 2. Be it further enacted, That the governor shall appoint, as soon as practicable after the passage of this act, one competent person as registrar for each county, and such registrar shall hold office for four years, and shall appoint a competent person as assistant registrar for each precinct or ward in their respective counties, and the governor shall have power to fill any vacancy should any occur in said office of registrar. And such registrars before entering on their duties shall take an oath of office as prescribed in section 1, article 15 of the constitution of Alabama, which oath may be administered by any

officer authorized by law to administer oaths in this State, and must be filed in the office of the judge of probate of the county. Such registrars are authorized to administer the registration oath, and it shall not be lawful for any other officer or person to administer the same.

Oaths of registrars.

SEC. 3. Be it further enacted, That it shall be the duty of such registrars within the several precincts or wards for which they are appointed respectively, in each year in which any general State or federal election is to be held, to make registration of the electors residing in such precincts or wards upon blank forms provided for that purpose, and shall not register in any other way or in any other form than that herein prescribed.

When registration begins.

SEC. 4. Be it further enacted, That the registrars in each precinct or ward shall begin registration on the first Monday in May, and shall continue the same for eighteen successive days, Sunday excepted, except in cities of 10,000 or more inhabitants, where thirty days time for registration shall be given.

Registration on election day.

SEC. 5. Be it further enacted, That it shall not be lawful to register any elector in any precinct or ward in this State after the time herein prescribed for such registration ; but the registrars shall be present at the polling places in the precincts or wards for which they are respectively appointed on the day of any general or special election to register such persons as may have reached the age of twenty-one years since the last registration, and none other.

SEC. 6. Be it further enacted, That each registrar shall, at the time of his registration, furnish to each elector who may register a certificate of registration, which shall be in the following form :

State election, 189-.
Federal election, 189-.

Registrar's oath.

I, —— ————, registrar, do hereby certify that —— -——— has this day registered before me as an elector in precinct (or ward) No. ——.

Witness my hand this —— day of ———, 189-.

[Signed] ____ _____,
Registrar.

Purchase of certificates.

SEC. 6 1/2. Be it further enacted, That any person who shall purchase or offer to purchase, or in any way attempt to get possession of the certificate of registration of any voter, with the intent to deprive him of his vote, or with

the intent to use said certificate of registration in any manner to control the vote or manage the vote, shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars, and imprisoned in the county jail for not less than thirty days.

SEC. 7. Be it further enacted, That each registrar shall, within two weeks after the expiration of the time prescribed for registration, make a true copy of the list of names registered, which copy, along with the original registration list, he must return to the office of the judge of probate of the county. Copies of lists.

SEC. 8. Be it further enacted, That the judge of probate shall, from the registration list of electors returned to his office, make a correct alphabetical list of the electors BO registered by precincts or wards, which list 'shall be certified by him, officially, to be a full and correct transcript of the list of registered electors, as the same appears from the returns of the registrars in his office. One copy of said list for each precinct or ward the judge of probate shall deliver to the inspectors of election in each precinct or ward immediately preceding every election. County lists.

SEC. 9. Be it further enacted, That the judge of probate must furnish, previous to the first day of May of each year in which any general State or federal election is to be held, to the registrars, the books and blanks necessary for the registration of electors, and each page of such books shall be in the following form:

State of Alabama, }
County of _____ }

We, the undersigned registered electors, each for himself, do solemnly swear (or affirm) that I will support and maintain the constitution and laws of the United States, and the constitution and laws of the State of Alabama; that I am not excluded from registering and voting by any clauses in section 3 of article 8 of the constitution of the State of Alabama, and that I am a qualified elector under the constitution and laws of the State. Registration oath.

1892-93
No.
Date.
Name.
Registration At-
testation.
White or Colored.
Residence.
Employer and
Remarks.
840

..... registrar for said precinct (or ward) No. ..... in the county of ..... do hereby certify that the above and foregoing names of registered voters, from number one to number ..... inclusive, were duly registered by me according to law, and that each of said persons so registered took and subscribed before me the above and foregoing oath on the dates set opposite to their several names.

Witness my hand this .... day of ..... 189—.

Compensation of registars.

SEC. 10. Be it further enacted, That each judge of probate shall be paid for his services about the registration and certification of electors such reasonable compensation as may be allowed by the court of county commissioners or the board of revenue, in no event less than two cents for each elector registered and certified, and in addition thereto the necessary expense of printing the books and certificates herein provided for.

SEC. 11. Be it further enacted, That the compensation of registrars shall be three cents for each elector registered and certified as herein provided, which shall be paid by the county.

Ditto.

SEC. 12. Be it further enacted, That if any registrar neglects, fails or refuses to perform the duties herein prescribed, or if there is a vacancy in the office, the county registrar shall appoint some competent person to act in his stead.

Where voters must register.

SEC. 13. Be it further enacted, That it shall be unlawful to register any person except in the precinct or ward in which such person is entitled to vote, and the registrar, when he has no personal knowledge of the identity or residence of the person offering for registration, shall examine him under oath touching the same, which oath shall be administered by the registrar.

Secret ballots.

SEC. 14. Be it further enacted, That in all elections hereafter held in this State on any subject which may by law be submitted to a vote of the people, and for all, or any State, county, district, or municipal officers, the voting shall be by secret official ballots printed and distributed as hereinafter provided, and no ballot shall be received or counted in any election to which this act applies, except it be provided as herein prescribed.

SEC. 15. Be it further enacted, That the printing and delivery of the ballots and cards of instruction to voters hereinafter prescribed shall in municipal elections be paid for by the several cities or towns respectively, and in all other elections, by the several counties respectively.

Pay for printing.

SEC. 16. Be it further enacted, That the probate judge of each county shall cause to be printed on the ballots to be used in their respective counties the names of all candidates who have been put in nomination by any caucus, convention, mass meeting, primary election or other assembly of any political party or faction in this State and certified in writing and filed with him not more than sixty nor less than twenty days previous to the day of election, which certificate shall contain the name of each person nominated and the office for which he is nominated, and shall be signed by the presiding officer and secretary of such caucus, convention, mass meeting, or other assembly, or by the canvassing board of such primary election, and be duly acknowledged by one or more of them, before an officer authorized by law to take the acknowledgments. The judge of probate shall also cause to be printed upon said ballots the name of any qualified elector who has been requested to be a candidate for any office by written petition signed, in case of a. candidate for a State or federal office by at least five hundred electors, in case of a county or municipal office, by at least twenty-five electors qualified to vote in the election to fill said office, when such petition has been filed with him not more than sixty nor less than twenty days previous to the election. And in addition to the name printed upon said ballot, and whether there be any names printed on said ballots or no, there shall be printed under each office to be voted for at the election, blank lines in number equal to the number of persons who may be elected to fill that office. The name of no person shall be printed upon the ballot who shall not less than twenty days before the election notify the judge of probate, in writing, acknowledged before an officer authorized by law to take acknowledgments, that he will not accept the

Duty of probate judges as to ballots.

nomination specified in the certificate of nomination or request of electors. In case of any person to be voted for by the electors of the whole State, or of an entire congressional district or judicial circuit, such certificate of nomination shall be filed in the office of the secretary of state not less than thirty days before the day of election, and such secretary of state shall thereupon immediately certify to the probate judge of each county in the State in case of an officer to be voted for by the electors of the whole State, and to the probate judges of the counties composing the judicial circuit or congressional district in case of an officer to be voted for by the electors of such circuit or district, upon suitable blanks to be prepared by him for that purpose, the fact of such nomination and the name of the nominee or nominees and the office to which he or they may be nominated; and the name of such person shall be printed by the judge of probate upon the ballot in its proper place in all respects as herein provided for nominations filed in the office of the probate judge, and any secretary of State who shall wilfully fail or refuse to certify such nominations as herein provided shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than one thousand dollars; and in the event of such failure or refusal, such certificate shall be made by the State auditor.

Penalties.

SEC. 17. Be it further enacted, That any person who shall falsely make or fraudulently destroy any certificate of nomination, or any part thereof, or file any certificate of nomination, knowing the same, or any part thereof, to be false, or suppress any nomination which has been duly filed, or any part thereof, or forge or falsely write the name or initials of any inspector of election on any ballot, shall be guilty of a felony, and, on conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than five years.

Filing petitions, etc.

SEC. 18. Be it further enacted, That the probate judge shall cause to be preserved in his office all certificates and petitions of nomination filed therein under the provisions of this act for six months after the election for which such nominations are made.

SEC. 19. Be it further enacted, That the ballots printed in accordance with the provisions of this act shall contain the names of all candidates nominated as hereinbefore provided who have not declined. The names of all candidates for the same office shall be printed together and arranged alphabetically according to the initial letters of their surnames irrespective of party. But the order in which the titles of the several offices to be filled shall be arranged upon the ballots shall be left to the discretion of the officer charged with the printing of said ballots.

What ballots contain.

SEC. 20. Be it further enacted, That whenever a constitutional amendment or other public measures is submitted to a vote of the people, the substance of such amendment or other public measures shall be twice in the same language clearly indicated upon the ballot after the list of candidates, followed in one case by the word "yes," and in the other by the word "no."

Constitutional amendments.

SEC. 21. Be it further enacted, That all ballots provided by the judge of probate of any county for an election shall be alike, printed in plain type, in straight lines, upon plain white paper so thick that the printing cannot be distinguished from the back, with a slender line between each name, and extending sufficiently to the left of the names to easily permit making before each name a cross mark (X), and in the appropriate place the words, "vote for one" (or two, or other number, as the case may be), to indicate the number which may be elected to each office, and shall be substantially in the following form, except the order in which the several offices to be filled are stated, namely :-

Form of ballots.

Official Ballot, Election, ———189

(Make a cross mark (X) before the name of the candidate of your choice.)

Vote for one:

For Governor.

HENRY FISHLER.
WILLIAM JONES.
JOHN SMITH.

Vote for one:

For Secretary of State.

WILLIAM KING.
THOMAS MOORE.
JAMES SIMPSON.

Vote for one:

For Sheriff.

THOMAS JONES.
GEORGE SMITH.
JAMES WHITE.

Vote for two:

For Representatives in the General Assembly.

WILLIAM DANIELS.
JOHN DOE.

Constitutional Amendment. Yes.
Constitutional Amendment. No.

SEC. 22. Be it further enacted, That all ballots for use in each precinct or ward shall be fastened together in convenient numbers in books or blocks in such manner that each ballot may be detached and removed separately. Each ballot shall have attached to it a stub of sufficient size to enable one of the inspectors to write or stamp his name or his initials thereon, and so attached to the ballot that when the same is folded the stub can be detached therefrom without injury to the ballot or exposing the contents thereof. Stub books of ballots.

SEC. 23. Be it further enacted, That there shall be provided for each voting place at least one hundred ballots for each fifty registered electors at said polling place. No. of ballots.

SEC. 24. Be it further enacted, That the sheriff of each county, at the expense of the county, or in case of a municipal election, the mayor or other chief executive officer, at the expense of the city or town, shall provide at each polling place a room or covered enclosure, and in such room or covered enclosure shall provide booths or compartments, one booth or compartment for each one hundred, or fraction of one hundred over fifty, electors registered for that election, and furnish each with a shelf Voting booths.

or table for the convenience of electors preparing their ballots. Each booth or compartment shall be so arranged that it will be impossible for one elector at a shelf or table in one compartment to see an elector at another shelf or table in another compartment in the act of marking his ballot. Each voting shelf or table shall be kept supplied with conveniences for marking the ballots.

Crowding polling room.

SEC. 25. Be it further enacted, That no person shall be permitted under any pretext whatever to come within fifty feet of any door or window of any polling room from the opening of the polls until the completion of the count of the ballots and certificates of the returns, except as herein provided.

Cards of instruction

SEC. 26. Be it further enacted, That the judge of probate of each county shall cause to be printed in large type on the cards instructions for the guidance of electors in preparing their ballots. He shall furnish to the sheriff twelve, or more if necessary, such cards for each precinct or ward, and it shall be the duty of the sheriff to post one of such cards in each booth or compartment for the preparation of ballots, and not less than three in prominent places elsewhere about and outside of the polling place the day of election. Said cards shall be printed in large, clear type, and shall contain full instructions to electors as to what should be done. First, to obtain ballots for voting; second, to prepare the ballot for deposit in the ballot box; third, to obtain a new ballot in place of one accidentally spoiled.

Destroying booth, etc.

SEC. 27. Be it further enacted, That any person who wilfully, during or before an election, removes, tears down, or destroys or defaces any booth or compartment, or any convenience provided for the purpose of enabling the elector to prepare his ballot, or any card printed for the instruction of electors, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than five hundred dollars.

SEC. 28. Be it further enacted, That except as electors are admitted, one at a time, to vote, and except the sheriff or his deputy, the inspectors and clerks of election, and as many electors as there may be booths or compartments, no person shall be permitted within fifty feet of the polling room.

SEC. 29. Be it further enacted, That when the right to vote of any person who demands to be permitted to

vote is questioned by any elector, the said challenge shall be communicated to the inspectors before the person is permitted to vote by the sheriff, or some other officer or person in attendance and in charge of admission to the polling place, when his right to vote must be determined as required by law. Challenges.

SEC. 30. Be it further enacted, That when all the booths or compartments are occupied and other electors are waiting to vote, no elector shall occupy a booth or compartment for a longer time than five minues. No elector shall be allowed to occupy a booth or compartment already occupied by another, nor to speak or converse with any one, except as herein provided, while in the polling place. Time booth may be occupied.

SEC. 31. Be it further enacted, That after having voted, or declined or failed to vote within five minutes, the elector shall immediately withdraw from the polling place and go beyond the prohibited distance, and shall not enter the polling places again. Elector withdraws from booth.

SEC. 32. Be it further enacted, That each elector, upon entering the polling room, shall be given one ballot by the inspectors. Before delivering the ballot to the elector, at least one of the inspectors, shall write or stamp, or shall have already stamped or written or printed his initials or name on the stub attached to the ballot. On receiving the ballot, the elector shall forthwith, and without leaving the polling room, retire alone to one of the booths or compartments provided for that purpose, and there prepare his ballot by marking with pen and ink or pencil, in the appropriate margin or place, a cross-mark (X) before the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor, and marking a cross mark (X) in the appropriate margin, and likewise by marking a cross mark (X) before the answer he desires, in case of a constitutional amendment or other question submitted to a vote of the people. Preparing ballots for voting.

SEC. 33. Be it further enacted, That any elector applying to vote, who shall declare on oath, which oath may be administered by any one of the inspectors, that by reason of his inability to read the English language, he is unable to prepare his ballot, may have the assistance of an inspector to be selected by the elector or a Assistance to electors.

person to be appointed for that purpose by the inspectors of election, and the inspectors may appoint as many assistants as they may deem necessary in the preparation of his ballot, and the person so appointed or the inspector selected, shall retire to a booth or compartment with the elector and there mark the elector's ballot by marking with pen and ink or stencil cross marks (X) before the name of each candidate for each office to be given to him by the elector, without suggestion or interference from the assistant. The assistant shall then deliver the ballot to the elector, and withdraw from the booth or compartment. In all other respects, he shall vote as is required of other electors; Provided, that no candidate for election shall act as assistant to any elector in the preparation of his ballot.

SEC. 34. Be it further enacted, That any elector applying to vote who shall declare, on oath, which oath may be administered by any one of the inspectors, that by reason of blindness, or the loss of the use of his hand or hands, he is nnable to prepare his ballot, may have the assistance of such assistant as may have been appointed or inspector selected, then the assistant shall retire with the elector who asks for assistance in the preparation of his ballot to a booth or compartment and there prepare the elector's ballot, so as to indicate the elector's declared choice of candidates as to each office to be filled, without suggestion or interference from the assistant. But in all cases any elector, before retiring to the booth, may have one of the clerks of election to read over to him the titles of the offices to be filled and of the candidates therefor.

Ibid.

SEC. 35. Be it further enacted, That before any elector applying for assistance in the preparation of his ballot, as provided in sections 33 or 34 shall be required or permitted to declare his choice of candidates, all electors, including those in the booths or compartments, after voting shall be required to withdraw from the polling place.

Secrecy for electors.

SEC. 36. Be it further enacted, That in order to prevent repeating no elector shall be allowed to receive a ballot from the inspectors nor to cast a ballot until he shall have produced and surrendered to the inspectors of election at the polling place the certificate of registration hereinbefore provided for; but if the elections are to be held for State (including county) and federal officers in

the same year, then in that event the inspectors holding the election coming on first shall upon the production of the elector's certificate of registration strike out, by drawing with pen and ink or stamp a heavy line through them, the words printed upon said certificate showing the election at which the ballot is cast, and return the certificate to the elector. But this act, so far as the registration of electors and the production of the registration certificate is concerned, shall not be so construed as to affect the ordinances now or hereafter ordained by any municipal corporation chartered by the general assembly providing for the separate registration of electors for municipal elections, nor shall it apply to any special or municipal election unless the same shall be held at the same time as the State or federal election. In case of any special or municipal election held at a time different from a general election, unless under special registration laws applying to that city or town election only, all electors shall be entitled to vote without producing or surrendering a certificate of registration whose names appear on the registration lists filed in the office of the judge of probate at the next preceding general election, and those who have become qualified since the last registration and who may register on the day of election as herein provided.

Surrender of certificate.

SEC. 37. Be it further enacted, That any person making a false declaration under the provisions of sections 33 or 34 shall be guilty of a felony, and, on conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than five years.

Penalty for false declaration.

SEC. 38. Be it further enacted, That any inspector who shall willfully deceive any elector in preparing his ballot shall be guilty of a felony, and, on conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than five years.

Deceiving electors.

SEC. 39. Be it further enacted, That any person who shall disclose how any elector may have voted, unless upon the trial of an indictment under section 38 of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars.

Disclosing vote.

SEC. 40. Be it further enacted, That any elector who shall, by accident or mistake, spoil a ballot so that he can not conveniently or safely vote the same, may return it

Special ballots.

to the inspectors and receive another in lieu thereof. In no case shall any person be permitted to carry a ballot outside of the polling room.

SEC. 41. Be it further enacted, That after preparing his ballot the elector shall fold the same so as to conceal the face thereof and show the stub thereto attached, with the name or initials of the inspector, and hand it to the receiving inspector, who shall, after detaching the stub, deposit the ballot in the box in the manner now prescribed by law.

Folding ballots.

SEC. 42. Be it further enacted, That if the elector marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the elector's choice for any office to be filled, his ballot shall not be counted for such office; but this shall not vitiate the ballot, so far as properly marked, nor shall any ballot be rejected for any technical error which does not make it impossible to determine the elector's choice, and nothing herein shall be construed to prevent any elector from voting for any qualified person other than those whose names are printed on the ballot.

When ballots not counted.

SEC. 43. Be it further enacted, That any elector who shall, except as herein provided, allow his ballot to be seen by any person, or who shall take or remove, or attempt to take or remove, any ballot from the polling place before the close of the polls, or place any mark upon his ballot by which it may be identified, or any person who shall interfere with any elector when inside the polling place, or when marking his ballot, or unduly influence, or attempt to unduly influence, any elector in the preparation of his ballot, or any elector who shall remain longer than the specified time allowed by this act in the booth or compartment, after being notified that his time has expired, or who shall endeavor to induce any elector to show how he marks, or has marked, his ballot, or aids, or attempts to aid, any elector by means of any mechanical device, or any other means whatever in marking his ballot, or shall print or procure to be printed, or have in his possession any copy of the ballot prepared to be voted, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one hundred dollars, and any ballot marked by the elector for identification shall be rejected.

Penalty for exposing ballots, &c.

SEC. 44. Be it further enacted, That any officer who

willfully and knowingly refuses or fails to perform the duties herein prescribed, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred nor more than one thousand dollars. But this section shall not be held to apply to cases where a different penalty is prescribed by this act. Officers failure of duty.

SEC. 45. Be it further enacted, That any judge of probate, or other officer on whom the duties of the judge of probate may have been temporarily devolved, who willfully and knowingly neglects, fails or refuses to perform the duties herein prescribed, shall be guilty of a misdemeanor, except as herein otherwise provided, and, on conviction, shall be fined not less than five hundred nor more than two thousand dollars. And in the event the judge of probate of any county is unable, or neglects, fails or refuses to perform the duties herein prescribed, the duties, responsibilities and authority of the judge of probate shall devolve upon the clerk of the circuit court of the county. Judge of probate failing to perform duty.

SEC. 46. Be it further enacted, That it shall be the duty of the sheriff of each county in this State, on each day of election, to be present in person or by deputy at all election precincts where elections are held in his county, and it shall be his duty to preserve good order, and in order that every elector who desires to vote shall do so without interference or interruption, and by maintain good order and to carry out the intents and purposes of this act such sheriff, or his deputy, may specially deputize a sufficient force to act at all election precincts on the day of any election that he may deem necessary, and, in case of necessity, may raise a posse comitatus to put down all riots or attempted riots or disturbances. Sheriff and deputies attend.

SEC. 47. Be it further enacted, That in case of any municipal election, held at a time different from a general State or federal election, the duties therein prescribed for the judge of probate, in respect to receiving nominations, printing and distributing ballots and cards of instruction, shall be discharged, under the same sanctions, by the mayor or other chief executive officer of the city or town. Duties performed by mayor.

SEC. 48. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 21, 1893.

No. 378.] AN ACT [H. B. 493.

To amend sub division 5 of section 127 of the Code of 1886.

Section 1. Be it enacted by the General Assembly of Alabama, That sub-division 5 of section 127 of the Code of 1886, be amended to read as follows: The attorney-general must, in the month of October, 1894, and biennially thereafter in said month, make to the governor a report of the business of his office for the two years next preceding, with such suggestions tending to the suppression of crime and the improvement of the criminal administration as he may deem proper. Such report shall also contain a statement of the number of criminal cases disposed of in the entire State for the past two years, as shown by reports of solicitors, and taking each character of cases separately, it shall show the number disposed of in each judicial circuit, and in each city or criminal court, or other court or territory having a separate solicitor, the number of convictions, the number of acquittals, the number of nolle prosequies entered, the number of cases which were abated or otherwise disposed of; the number of sentences to death, the number of sentences to the penitentiary, the number of other sentences, including fines imposed, and the totals under each head above mentioned. Such report may also contain such opinions of the attorney-general as may be deemed of public interest. The report herein provided for shall be printed on the order of the governor and transmitted to the general assembly.

Approved February 21, 1893.

No. 379.] AN ACT [H. B. 458.

To repeal the charter of the town of Larkinsville, in Jackson county.

Section 1. Be it enacted by the General Assembly of Alabama, That all corporate authority heretofore conferred upon the town of Larkinsville, in Jackson county, whether by special statute or under the general law, be,

and the same is, hereby withdrawn and repealed, and said corporation is hereby dissolved.

Approved February 21, 1893.

No. 380.] AN ACT [H. B. 418

To incorporate Columbian College, Bangor, Blount county.

Section 1. Be it enacted by the General Assembly of Alabama, That Joseph Y. Musgrove, William Rogers, Joseph D. McAnally, Reuben A. Burns, John F. Musgrove, Burnhart Keel, Andrew J. Stephens, Samuel McAnally, George D. Fitzhue, Matthew J. Richards and their successors in office shall be, and are, hereby declared and created a body politic and corporation by the name and style of the board of directors of Columbian College, in the town of Bangor, county of Blount, and State of Alabama, and by that name shall be able and capable to spe and be sued in any court, and shall have power to receive donations and bequeath, purchase and sell and have and hold real estate and other property in perpetuity and free from taxation; Provided, the realty and other property shall not exceed in value twenty five thousand dollars, and that it shall be used in the interest of said college. Corporators. Capital stock.

SEC. 2. Be it further enacted, That said body politic, or a majority of the members composing the same, shall be empowered to adopt such rules, regulations and by-laws, not contrary to the constitution and laws of Alabama, as may be necessary for the best government and proper regulations of said college, and shall have power to elect annually, by a majority of its members, a president, secretary and treasurer of the board. Rules.

SEC. 3. Be it further enacted, That said board of directors, or their sucessors, shall elect the professors and teachers, one of whom they shall make president, who, when so elected, shall constitute the faculty of said college. Faculty.

SEC. 4. Be it further enacted, That said body corporate, or a majority of its members, shall be authorized and empowered to grant diplomas, confer degrees, certificates Diplomas.

or other evidence of scholarship, and may grant such power or authority to the president and faculty of said college:

SEC. 5. Be it further enacted, That said board of directors may fill any vacancy occurring by death or otherwise, by a majority vote.

Vacancies.

Approved February 21, 1893.

No. 381.] AN ACT [H. B. 403.

To regulate the making of annual reports of the railroad commissioners.

Section 1. Be it enacted by the General Assembly of Alabama, That on or before the tenth day of October of each year the railroad commissioners, through their president, shall make to the governor, for transmission to the general assembly, a report of their acts and doings for the year ending on the thirtieth day of June next preceding, setting forth such facts as will disclose the actual working of the railroad system in this State, and making such suggestions as to the general railroad policy of the State as may to them seem appropriate; and they shall also therein submit such recommendations for further legislation upon the subject of railroads as they may deem necessary or advisable for the interest of the State.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

Approved February 21, 1893.

No. 382.] AN ACT [H. B. 472.

To establish the Bethlehem School District out of parts of St. Clair and Etowah counties, Ala.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the following described territory situated in St. Clair and Etowah counties, Ala., shall constitute a

separate school district, to be known as the Bethlehem School District, to-wit: All of section thirteen (13) south of Blount mountain, section twenty-four (24) and east half of section twenty-five (25), all in township twelve (12), range three, being in St. Clair county, Ala., and all of sections twenty-nine (29) and thirty (30) lying north of Chandler mountain, section nineteen (19), west half of section twenty (20), south half of southwest quarter section seventeen (17), section eighteen (18), except northeast quarter, and southwest quarter of section seven (7), all in township 12, range 4 east, in Etowah county, Alabama. Boundaries.

SEC. 2. Be it further enacted, That said district shall receive its pro rata of the public school revenues, and shall be managed by one trustee from St. Glair and one from Etowah counties; Provided, that this act shall not go into effect until 1st of October, 1895. Fund.

Approved February 21, 1893.

No. 383.] AN ACT [H. B. 541

To encourage the building and operating of cotton and woolen factories in the State of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That for the purpose of encouraging the building and operating of factories for the spinning of thread, yarns, and the weaving of cloth and other fabrics of cotton and wool in the State, the court of county commissioners of any county, or the constituted authorities of any city or town, in which it is proposed to locate such factories, shall be authorized and empowered to remit the taxes assessed on such buildings, factories, machinery used therein, or land upon which factories or buildings are located, for all county or city purposes, for a period not exceeding five years from the date of incorporation. Taxes remitted.

SEC. 2. Be it further enacted, That in order to obtain the benefits of this act it shall be the duty of the person, firm or corporation owning or controlling such factory to make application in writing to the court of county commissioners of the county, or the constituted authorities Applications.

of the city or town in which it is proposed to locate such factory, giving the location of the proposed factory, and the date of corporation, and praying for an order to be made by them, granting such person, firm or corporation the exemption provided by this act, which application, if granted, shall be entered on the records of their courts, and an order made designating the time when such exemption shall expire.

SEC. 3. Be it further enacted, That nothing in this act contained shall exempt such person, firm or corporation from rendering an assessment annually to the tax asses-

Property must be assessed

sors of counties, cities and towns in which said factories are located, at its full value, of all property held an d owned by such person, firm or corporation, and connected with or forming a part of such factory, for taxation under the laws of the State.

Approved February 21, 1893.

No. 384.] AN ACT [H. B. 952.

To amend section five (5) of an act to establish the city court of Decatur, approved Feb. 8, 1889.

Be it enacted by the General Assembly of Alabama, That section five (5) of an act to establish the city court of Decatur, approved Feb. 8, 1889, be amended so as to read as follows:

SEC. 5. Be it further enacted, That said court shall

Times and Places of hold-

be held, and the office of the clerk and register, and the recorks thereof shall be kept at Decatur, in said county; said court shall hold two regular terms in each year, and may continue in session until the business thereof is disposed of; but jurors shall be drawn for only the first two weeks of each regular term. The first week of each regular term shall be devoted to trial of civil cases in which juries are demanded; and the second week to the trial of criminal cases. Special terms may also be held, when, in the opinion of the judge of said court, they shall be necessary for the proper transaction of business, of which terms twenty days notice shall be given in some newspaper published in the city of Decatur, and juries for such special terms must be drawn and summoned in

the same manner as is now provided by law for drawing and summoning juries for special terms of the circuit courts. The regular terms of said court shall be held on the first Monday in January and second Monday in June of each year.

Approved February 21, 1893.

No. 385.] AN ACT [H.B.977.

To incorporate the Birmingham Railway, light and Power Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That T. T. Hillman, Wm. A. Walker, Geo. L. Morris, Robert Jemison and J. A. Stratton, all of this State, and their associates, successors and assigns, be, and they are hereby created a body corporate under the name and style of the Birmingham Railway, Light aud Power company, and in and by that name and title shall have perpetual succession as a body corporate, and may sue and e sued, plead and be impleaded, borrow money and execute notes therefor, contract and be contracted with, adopt, use and alter at pleasure a corporate seal and exercise all the rights and franchises hereinafter granted. Corporators.

SEC. 2. Be it further enacted, That the capital stock of said corporation shall be in such sum as the corporators hereinabove named shall fix and establish, not less than one hundred thousand dollars, nor more than twenty million dollars; but the corporation shall have the right after its organization to increase its capital stock from time to time as a majority in value of the stockholders in value thereof in convention assembled shall determine, not to exceed the sum of twenty million dollars. Capital.

SEC. 3. Be it further enacted, That the stock of said company shall be divided into shares of one hundred dollars, and in all meetings and conventions of the stockholders, each stockholder shall be entitled to cast, in person or be duly appointed proxy, one vote for each share of stock owned by such stockholder. Executors and administrators shall have the power to represent the stock of his, or her, or their testators or intestates, and guardians and trustees shall have power to represent the stock of their wards and centuisque trusts. Shares.

SEC. 4. Be it further enacted, That the persons named as corporators in the first section of this act, or a majority of them and such person or persons as shall join and become associated with them in the premises, shall meet at such time and place, in the city of Birmingham, or at such other place in the State as they shall designate and appoint, and at such appointed time and place shall proceed to take and receive subscriptions to the capital stock of said company, payable in such time and manner as may be agreed on between the majority of said corporators and associates acting with them and the party or parties who may desire and propose to take stock in said company, which business may be transacted or completed at any subsequent adjourned meeting or meetings as may be deemed necessary, if not completed at first meeting.

Meeting.

SEC. 5. Be it further enacted, That when as much as one hundred thousand dollars shall have been subscribed, as authorized in the last preceding section, to the capital stock of said company then at such time and place, in said State of Alabama, as may be determined by a majority in interest of the subscribers to said stock, there shall be a meeting of the said subscribers for the purpose of organizing said company by the election of a board of directors to consist of not less than five members, and said directors shall be chosen from the subscribers to the stock by ballot. The officers of said company shall be a president, and a secretary and treasurer, and such other officers as the board may deem necessary. The president of said company shall be elected by the board of directors from their own number, and the board of directors shall also select the other officers and fix the compensation or salary of the president and officers. The president so chosen shall continue in office until the election of his successor, and the directors shall continue in office until the election of their successors by subsequent convention of the stockholders; the time and place for holding which shall be designated by the meeting at which such directors are elected, or on its failure to do so, the time and place of such convention shall be fixed by the board of directors, of which the stockholders shall have such notice as the board shall direct. The election of such directors and by them of the president, as provided above, shall constitute the organization of said company; Provided, that before such organization shall be perfected, there

Organization.

shall be paid to the treasurer of the company not less than one per cent. in cash upon the amount subscribed, in pursuance of the fourth section of this act, to the capital stock of the company.

SEC. 6. Be it further enacted, That after the organization of said company, by and with the consent of the persons holding the larger amount in value of its stock, first obtained at a meeting of the stockholders of said corporation convened for the purpose of voting upon the proposition, to be held after ten days notice given by publication in some newspaper to be designated by the board of directors, the said corporation shall have the right, from time to time, to increase its capital stock, and to take and receive additional subscriptions to the capital stock from time to time, and in doing so, may, as it may deem proper and advantageous, receive such additional subscriptions, payable in whole or in part in real or personal property, or in stocks, bonds, rights or franchises of other corporations, and may take and receive proper conveyances and transfers of such real estate and personal property in payment of such subscriptions for stock.

Increase of capital.

SEC. 7. Be it further enacted, That there shall be annual meetings or conventions of the stockholders of said company at the principal office of the company, at Birmingham, Alabama, or at some other place equally convenient to the stockholders, to be fixed by the board of directors, for the election of the president and directors, and for the transaction of such other business relating to the. interests of the company as such conventions, when assembled, shall deem necessary or proper; of which convention such notice shall be given to the stockholders as said company, by the by-laws or otherwise, may prescribe, or as may be directed by the board of directors, on omission of the company to prescribe such notice; Provided, that omission or failure to hold any such convention within the time prescribed shall not have the effect to cause a dissolution or discontinuance of such company. In any convention of its stockholders a majority in value of the stock held or owned in said company by stockholders in person, or by their duly constituted proxies or agents, shall constitute a quorum competent to transact business, bind-

Annual conventions.

ing on the company and its stockholders. The number of directors shall continue, as provided in the fifth section of this act, until otherwise provided by the company, and the company shall have power to increase or diminish this number from time to time as shall be deemed proper. The president and directors shall be elected for a term of one year, but may continue in office thereafter until the election and qualification of their successors. Any vacancies in the offices of president or directors may be filled by the board of directors, a majority of whom will constitute a quorum for the transaction of business. Said company acting by its stockholders in convention, shall have power to enact all such rules and by-laws as may be deemed needful and proper for the management and carrying on of its business, and prescribe rules for the transfer of stock by the respective stockholders.

SEC. 8. Be it further enacted, That the business of this company is hereby declared to be, and shall be, to build, own, operate, and maintain railroads, and to operate the same by steam, electricity or otherwise, in any county or city in the State of Alabama; Provided, no railroad is built in any incorporated city or town without the consent of the corporate authorities being first obtained; and this company shall have and possess all rights, powers, privileges, franchises and immunities, by the .general laws and the code of this State conferred on railroad companies; and to engage in the carriage of persons or property as a common carrier, and to charge rates of freight and tolls for the same over the lines of its railroads, and to lease or acquire by purchase any line or lines of road that are now or may hereafter be constructed in this State, and connect the same with its other line or lines of railroad, or to operate them separately as it may see fit. And to purchase, own, charter or lease and occupy all such stations as may be necessary for the proper conduct of its business. Also to generate electricity and steam, buying, using and selling the same to furnish light, heat, steam and power by and with electricity, and by and with all other means of providing the same; to manu-

Business and powers.

facture and generate all other agencies and commodities that may be now or hereafter used for the purpose of furnishing light, heat, steam and power; to furnish light, heat and power by means of any and all such agencies or commodities, to generate, furnish and provide electricity to be used in the motive power in the operation of street or other railroads, or for any other motive power whatsoever; to transmit current by electricity, carry and transmit merchandise and packages by means of electricity; may have store houses and may buy and sell merchandise; may do welding and forging by electricity; may charge for, collect and receive compensation for all such business by it done; may operate telegraph, telephone or other electric lines in and along its right of way; such telegraph, telephone or other electric wires may be for the company's private use alone, unless said company sees fit to do a public telegraph and telephone business.

SEC. 9. Be it further enacted, That the said company shall have the power to enclose any passenger platform or depot owned or used by it alone or jointly with other companies, and it may, with or without such enclosure, make and enforce regulations excluding persons or all persons from such platforms, depots, cars or other property or premises owned or occupied by said company, excepting passengers or their escorts, public officers in the discharge of their duty; Provided, that any of the above excepted persons may also be excluded from the platforms, depots, cars or other property if such persons behave in a noisy, boisterous or rude manner, or are drunk.

Enclosing depots, &c.

SEC. 10. Be it further enacted, That said corporation shall have power to unite, consolidate, or connect the railways owned, operated or controlled by it, with any line of railways constructed or which may be constructed in this State, upon such terms as may be agreed upon between it and such other railway company ; and for this purpose power is hereby granted to it and to any other railway incorporated by this State, to make and carry out such contracts, by lease, purchase or otherwise, as will facilitate and consummate such connection or consolidation.

Uniting with other roads.

SEC. 11. Be it further enacted, That the said Birmingham Railway, Light and Power Company is author-
Consolidation. ized and empowered to consolidate and amalgamate itself with any other corporation or corporations by a two-thirds vote of the stockholders of each of such corporations, and form one general company under such name and style as may be agreed upon, and to issue and apportion the stock of such consolidated corporations as may be agreed upon by said two-thirds of the stockholders in each of said corporations, to take up, if deemed proper and best, the individual stock of each company, and to replace it with the stock of the general company, in such manner and amounts as may be agreed upon by said two-thirds of stockholders.

Provided, that such amalgamated company shall keep an office in the State of Alabama, and thereupon such general company shall be invested with all the powers and franchises heretofore belonging to each and all of the several corporations so consolidating and amalgamating; And Provided, the rights and remedies of creditors shall not be effected thereby.

SEC. 12. Be it further enacted, That the said corporation, by and with the consent of the persons holding the larger amount in value of the stock thereof, given in person or by proxy, at any meeting of said stockholders, duly and legally called by the board of directors of said company for that purpose, shall have the power and authority, which is hereby given to it, to make and issue
Bonds. of its bonds for such sums and in such amounts, and payable at such time or times as the said stockholders may determine, which said bonds shall bear such rate of interest, not exceeding 8 per cent. per annum, as the said stockholders may deem best; and to secure the payment of said bonds and the interest thereon the said corporation is hereby given power to execute a mortgage or deed of trust in its corporate name, and under its corporate seal, upon all the property of the said corporation, including its franchises, or such part thereof as the said stockholders may determine best; said bonds and deed of trust to be signed by the president, countersigned by the secretary of said company and sealed with the seal of said corporation, and the said company is hereby authorized to sell, exchange, hypothecate and dispose of its

said bonds for its purposes as the directors may think best, or to pay the same for any real or personal property, rights or franchises purchased by said company on such terms as the board of directors may deem best for the company.

SEC. 13. Be it further enacted, That said corporation may issue also preferred stock in such sums and for such amount, and on such terms and conditions, and with rights and privileges as a majority in value of the stockholders of said company in convention assembled shall determine; and thereafter the said company shall not have the power to change or abridge the conditions, rights or privileges thus accorded to the holders of preferred stock, or to do any act that will impair the value or security of such preferred stock without the consent of the holders of the same. Preferred stock.

SEC 14. Be it further enacted, That said corporation shall have the right to lease and purchase, and to hold and own the real, personal or mixed property, or stock or bonds, or franchises of other corporations; and said corporation may pay for the same in money, bonds, notes or property by an issue of its own stock, either common or preferred, on such terms and in such amounts, and upon such conditions as such corporation may deem best; and to retain or dispose of such stock and bonds in whole or in part at pleasure, acting by and through the stockholders in convention assembled, or by its board of directors, they having been duly authorized to act in the premises.

SEC. 15. Be it further enacted, That the Birmingham railway, light and power company be, and the same is hereby authorized to change the name of said company, and such change of name shall be made at a meeting of the stockholders of said company called by the board of directors of said company, and held after thirty days notice either by advertisement in some newspaper published in the city of Birmingham, or by personal notice by mail to each stockholder of said company, stating the time, place and purpose of such meeting, at which meeting the proposition so to change the name of said company must be adopted by the concurrent vote of stockholders holding among themselves a majority in value of the entire stock of the company. Change of name.

SEC. 16. Be it further enacted, That a certified copy

of the action of the said meeting in so changing the name of said company, in pursuance of the conditions of this act certified under the seal of the corporation, attested by the signature of its president and secretary, shall be filed within thirty days after the date of such meeting in the office of the secretary of the State of Alabama.

Copy of action of meeting.

SEC. 17. Be it further enacted, That said corporation is authorized to constitute and establish an agency or agencies outside of this State for the transfer of the shares of its capital stock, and to enact all laws necessary to provide for the transfer of such shares by such agency or agencies.

Approved February 21, 1893.

No. 386.] AN ACT [H. B. 906.

To repeal an act entitled an act to prohibit placing mortgages on growing crops in Monroe county, approved February 9, 1891.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to prohibit placing mortgages or incumbrances on growing crops in Monroe county, approved February 9, 1891, be and the same is hereby repealed.

Approved February 21,1893.

No. 387.] AN ACT [H. B. 928

To authorize and regulate the sale of spirituous, vinous aud malt liquors in Beat (2) two, known as Crawford beat, in Russell county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act, it shall be lawful for any person or persons, to retail or wholesale, spirituous, vinous or malt liquors in beat (2) two, known as Crawford beat, in Russell county, Alabama, by procuring State and county licenses as required by the general laws of the State of Alabama and by complying with said general laws relating to such sale.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict herewith are hereby repealed.

Approved Feb. 21, 1893.

No. 388.] AN ACT [H. B. 506.

To amend section 7 of an act entitled an act to establish a department of agriculture for the State of Alabama, approved February 23, 1883.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 7 of an act entitled an act to establish a department of agriculture for the State of Alabama, approved February 23, 1883, be, and the same is hereby amended so as to read as follows: Section 7. Be it further enacted, That it shall be the duty of the auditor to have printed tags of suitable material, with proper fastenings for attaching the same to packages, bags or barrels of fertilizers, and there shall be printed thereon the word "Guaranteed," with the year or season in which they are to be used, which said tags must be signed by the auditor and furnished by him to the commissioner of agriculture, on the commissioner's requisition, to be accounted for by the commissioner in monthly settlements ; said tags shall be furnished by the commissioner to any dealer in or manufacturer of commercial fertilizers, who shall have complied with section 142 of the code of Alabama of 1886, upon payment by such dealers or manufacturers to the said commissioner of the sum of twenty-five cents for a sufficient number thereof to tag a ton of such commercial fertilizers. All tags remaining in the hands of the commissioner at the end of the year shall be destroyed in the presence of the governor, secretary of state and attorney-general, and the certificate of these officials shall be the auditor's authority for giving the commissioner credit therefor. Tags.

SEC. 2. Be it further enacted, That the price of tags as fixed at the sum of twenty-five cents in section 1 of this act shall not take effect until October 1, 1893. Price of tags.

SEC. 3. Be it further enacted, That all laws and

parts of laws in conflict with the provisions of this act are hereby repealed.

Approved Feb. 23, 1893.

No. 389.] AN ACT [H.B. 518.

To require telephone companies to pay taxes.

SECTION 1. Be it enacted by the General Assembly of Alabama, That every telephone company shall be required to pay an annual tax on the amount of its gross receipts, at the rate of one dollar on the hundred dollars.

SEC. 2. Be it further enacted. That this act shall take effect at once on its approval by the governor.

Approved Feb. 21, 1893.

No. 390.] AN ACT [H. B. 1134

To provide for binding the records of the Supreme Court of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the secretary of state is hereby authorized to contract for binding the records of the Supreme
How bound. Court of Alabama, such contract to be at the rate of not exceeding two and twenty one-hundredths dollars per volume, each volume to contain not less than seven hundred and fifty pages, and to be appropriately lettered and numbered, and the account for the same, when approved by the chief justice, or two associate justices, must be paid out of the State treasury on the warrant of the auditor.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisons of this act be, and the same are, hereby repealed.

Approved February 21, 1893.

No. 391.] AN ACT [H. B.1035.

To incorporate the Myrtlewood and Demopolis Railroad Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That D. J. Meachlor, George W. Taylor, B. F. Elmore, J. E. Hecker, T. M. Witherspoon, Val. Taylor and H. A. Monnier, with such other persons as shall associate with them for that purpose, are constituted a body politic and corporate by the name of the Myrtlewood and Demopolis Railroad Company, and by that name to sue and be sued, plead and be impleaded, and to make and have a common seal, and the same break, alter and renew at pleasure, and this company is hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes of this act. Corporators.

SEC. 2. Be it further enacted, That said company is hereby authorized and empowered to survey, locate, construct, alter, buy and own, maintain and operate a railroad with one or more lines or tracks of rails from Myrtlewood to Demopolis, Marengo county, Alabama, or to any point on the East Tennessee, Virginia and Georgia Railroad, with branches to the same, with one or more lines or tracks of rails connecting with any other railroads which are now, or may hereafter be, constructed in the State of Alabama, on such routes as may be found best, and to transport, take, carry persons and property upon said railroads or ways, by the power or force of steam, of animals or any other mechanical power, or any combination of them which said company may choose to apply, and for the purpose of constructing said railroads and branches, the said company is hereby authorized to lay out its road and branches throughout their length, not exceeding one hundred feet wide, and for the purpose of depots, machine shops, warehouses, engine houses, water stations, wood sheds and other buildings necessary for the business of the road and branches, cuttings, embankments, and for the purpose of turnouts, and for obtaining earth, stone and gravel, may take as much more land as may be required for the construction and security of said road and branches, with permission to make any lawful contract with any other railroad or other corporation in General powers and rights.

relation to the business of said company, and also to make joint stock with any other railroad corporation, and form continuous through lines; Provided, that all damages that may be occasioned to any person or corporation by the taking of any such land or materials aforesaid shall be paid by said company in the manner hereinafter provided.

SEC. 3. Be it further enacted, That the capital stock of said company shall be two hundred and fifty thousand
Capital stock. dollars, which may be increased from time to time to any sum not exceeding the entire amount expended on account of said road and branches, to be divided into shares of one hundred dollars each, which shares shall be deemed personal property, and may be transferred in such manner and at such places as the by-laws of said company may direct; Provided, that said company may commence the construction of said road with all the powers and privileges contained in this act, whenever the sum subscribed to the capital stock shall exceed twenty-five thousand dollars.

SEC. 4. Be it further enacted, That the board of directors of said company shall have power to require the payment of sums subscribed by stockholders in such
Delinquent manner, and in such times, as they may deem proper,
stock. and on refusal or neglect on the part of the stockholders, or any of them, to make payment on the requisition of the board of directors, the shares of such delinquent may, after thirty days notice, be sold at public auction under such rules as said board of directors may adopt. The surplus money, if any remains after such deducting the payments due, with the interest and necessary costs of sale, to be paid to such delinquent stockholder.

SEC. 5. Be it further enacted, That the persons named
Subscription in the first section of this act shall, at the time deemed
books. by them most suitable, cause books to be opened for subscribers to stock, in such manner and places as they shall direct, and three of them shall constitute a quorum to carry out the purposes of this act.

SEC. 6. Be it further enacted, That all corporate powers of said company shall be vested in and exer-
Directors and cised by a board of directors consisting of five mem-
officers. bers, who shall be stockholders, and such officers and agents as they may appoint. The board of directors shall consist of stockholders, who shall be chosen each

year by the stockholders of the company. A majority of the directors shall be a quorum for the transaction of business. They shall elect annually one of their number to be president of the board, who shall be president of said company; they shall also choose a secretary, and such other officers as they may deem necessary, and a treasurer, who shall give bond with security to said company in such sums as the said directors may require for the faithful discharge of his trust.

SEC. 7. Be it further enacted, That the persons named in the first section of this act, or a majority of them, are hereby authorized, after the books of subscription to the capital stock of said company are closed, or when the sum subscribed shall exceed twenty-five thousand dollars, to call the first meeting of the stockholders of said company in such way and at such time and place as they may appoint, for the choice of directors of said company, and in all meetings of the stockholders of said company a majority of the stock subscribed must be represented. Each share entitles the holder to one vote, which vote may be given by said stockholder in person or by lawful proxy, and the annual meeting of said company for the choice of directors shall be holden at such time and place, and upon such notice, as said company may in their by-laws provide. Organization.

SEC. 8. Be it further enacted, That in case it shall so happen that election of directors shall not be made on the day appointed by the by-laws of said corporation, said company for that cause shall not be deemed to be dissolved but such election may be holden on any subsequent day which the then existing directory may appoint. The directors elected are to continue in office until their successors are elected and qualified. Vacancies in the board shall be filled by a vote of a majority of the directors remaining; such appointees to continue in office until the next regular annual election of directors. Vacancies.

SEC. 9. Be it further enacted, That the directors shall have full power to make and prescribe such by-laws, rules and regulations as they shall deem proper and needful, touching the disposition and management of the stock, property and effects of said company, not contrary to this charter, or the laws of this State, or of the United

States, the transfer of shares, the duties of their officers and servants, touching the meeting of directors, and all matters which may appertain to the concern of said company. Said company is also hereby authorized to pur-

General powers and rights.

chase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may by their agents, surveyors and servants enter upon all lands and tenements through which they may think fit to make said road and branches, or upon which they may deem it necessary to erect depots, warehouses, machine shops, wharves, engine houses, water stations, wood sheds, platforms, and other requisite buildings and structures for the business of the road and branches, and upon lands that may be required for cuttings and embankments, for turnouts and stations, and for stones, gravel, earth and timber, and to survey, lay out and construct the same, and to agree and contract for said lands to be used as aforesaid, with the owners thereof. In case the said lands

Right of way.

belong to the estate of any deceased person, then with the executor or administrator of such; in case of the same belonging to a minor, or a person non compos mentis according to law in such cases provided, then with his or her guardian or guardians, or in case the said lands be held by trustees of school sections or other trustees of estates, then with such trustees and the said administrators, guardians or trustees are hereby declared competent for such estates or minor to contract with the said company for the right to use, occupy, and possess the lands of such estates, minors or trustees to be used as aforesaid, and the act and the deed of such executors, administrators, guardians or trustees in relation thereto shall pass the title in said land in the same manner as if said deed or act was made or done by a legal owner of full age, and such executor, administrator, guardian or trustee, shall account to those interested upon their respective bonds for the amount paid him in pursuance of said agreement and composition, and if the said company and parties representing lands prefer they may refer the question of arbitration to arbitrators mutually chosen, whose award or that of their umpire, in case of disagreement, shall vest title according to its terms.

SEC . 10. Be it further enacted, That if the said company cannot agree with the owner of the lands which

they desire to use as aforesaid, or with the executor, administrator, guardian or trustee, it shall and may be lawful for the clerk of the circuit court of the county in which such lands lie, on application of said company or its agents, and he is required to issue a writ of ad quod damnum, commanding the sheriff without delay to cause a jury of six good and lawful men to be upon said lands on a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owner, executor, administrator, guardian or trustee at least five days before such day, if they be within the county, or if not, or if the owner or owners are unknown, the notice shall be given by advertisement, to be by said sheriff posted and fixed on the dwelling house, if such there be, or in any public or conspicuous place at least five days before such appointed day, and also by advertising the same in some newspaper published nearest to the land at least three weeks by weekly insertions prior to said day, and then cause said jury, after having been duly sworn by said sheriff or justice of the peace, to make true inquest of the damages that will be sustained by such owner or estate by reason of making such road or branches through such land. If any juror shall fail to appear, or by reason of challenge for cause or otherwise, fail to sit, at such inquest, the said sheriff shall fill such jury from the by-standers, and if they fail to render a verdict the said sheriff shall on the same day, or a subsequent day, empanel a jury or jurors until a verdict be had. Such verdict and inquest regularly certified by said sheriff shall be returned to the office of the clerk of the circuit court of the county in which said land may be, and there remain among the records, and such verdict shall vest in said company the right to occupy and use said lands for the purpose of said railroad and branches on the payment or tender of payment, of the damages there assessed against said company, and in case of persons absent or unknown as aforesaid, the placing of the amount of damages to the credit of the owner in the hands of the judge of probate in the county in which said lands lie, shall be deemed and taken as payment, and such judges shall be liable on their bonds to make due payment of said money on demand.

Condemnation of lands.

Damages.

SEC. 11. Be it further enacted, That it shall be the duty of the sheriff to appoint and hold said inquest

within ten days after the receipt of said writ of ad quod
Inquest. damnum, except in case of absence as aforesaid, in which cases thirty days shall be allowed him, and five additional days are allowed him for every additional jury which he may have under said writ, and for every default therein the said sheriff shall be fined by the circuit court, at the instance of either party, not less than twenty nor more than one hundred dollars, and every juror or witness so summoned, unless excused by the circuit court, shall be fined not more than ten dollars for non-attendance. Of all such fines, as well as costs, the circuit court of the county shall have jurisdiction. There shall be allowed the following fee: To the clerk of the circuit court for
Fees. every writ of ad quod damnum, seventy-five cents; for receiving and filing inquests, seventy five cents; to the sheriff for giving notice, seventy-five cents, besides printers fees not exceeding two dollars; in each case for holding inquests, five dollars; summoning witnesses, twenty-five cents each; to jurors, seventy-five cents each per diem, which fees are not allowed until a verdict be returned and filed, and shall be taxed in the bill of costs and paid by the company; Provided, however, that before the application for said writ, the said company may make a tender to the owner or owners of any such lands a sum of money by them deemed equivalent to the damage to be sustained, and upon refusal to accept the sum tendered, and a verdict for the same amount or a less sum, the costs shall be taxed to and paid by the owners of the land on which the inquest is held.

SEC. 12. Be it further enacted, That either party may
Appeal. appeal to the next circuit court, within thirty days after the assessment, by application to the clerk of said court, after giving security for the prosecution of such appeal, and in case the same is taken by the corporation, for the judgment which may be rendered against it on appeal.

SEC. 13. Be it further enacted, That the trial of such
Trial of appeal. appeal shall be de novo, and if the corporation be the appellant and the damages assessed are equal to or are greater than found on the previous inquest, the appellant must pay the costs, and the court may award damages not exceeding ten per cent. if of opinion that the appeal was merely for delay.

SEC. 14. Be it further enacted, That in case the appeal is not taken by the corporation, and the appellant

does not recover more damages than were assessed to him in the previous inquest, judgment for costs must be given against him. In such appeal, when the judgment is against the appellant, execution may issue against the security. Costs.

SEC. 15. Be it further enacted, That the operations of said railroad company in surveying, locating and constructing its road and other works, shall in no wise be delayed on account of the proceedings aforesaid. Work not delayed.

SEC. 16. Be it further enacted, That whenever, in the construction of said railroad and branches, it may be necessary to cross or intersect any established road or way, it shall be the duty of said company so to construct their railroad and branches so as not to impede the passage of such established road or way, and in all cases where any road or public highway is so located that said railroad and branches can not be judiciously laid out and constructed across or upon the same without injury thereto, in such case or cases, said corporation may, by their engineer, cause such road or roads changed or altered in such manner that said railroad and branches may be made on the best site of ground for that purpose; Provided, said corporation shall put such road or roads in as good repair as at the time of altering or changing the same. Crossing other roads.

SEC. 17. Be it further enacted, That the directory of said company shall have power to establish such rates of tolls tor the conveyance of persons and property upon the railroad and branches as they shall from time to time deem proper, and to levy and collect the same for the use of said company. All matters and things respecting the use of said railroad and branches and the conveyance of passengers and property, shall be in conformity to such rules and regulations as said board of directors shall from time to time determine. Tolls.

SEC. 18. Be it further enacted, That in case said railroad and branches should cross any of the lands belonging to the State of Alabama, the right of way through said lands one hundred feet wide is hereby granted for said railroad and branches to said company free of charge, and in case of cuttings and embankments, gravel, earth, stone, warehouses, engine houses, and other necessary buildings, and of turnouts and other appliances of the road and branches as much more land as is necessary is hereby granted free of charge. State lands.

SEC. 19. Be it further enacted, That for the purpose of raising funds from time to time for the construction
Sale of bonds. of said railroad and branches, and the purchase of iron and other material to be used thereon, said company is hereby authorized to issue, negotiate, pledge, hypothecate and sell their lands in sums of, and at rates of interest which may be deemed most expedient by the board of directors. The payment of the principal and interest of the bonds to be secured as the board of directors may think best.

SEC. 20. Be it further enacted, That when any portion of the stock subscribed to said railroad company shall be called for by the directions of the board of directors, and notice of said call shall have been given for more than thirty days that such call has been made, and specifying the per centum of stock so called for, and the time when payment is required, either by personal notice to the stockholders or by publication in some newspaper published in the town or city where the general offices may be located, if any stockholders shall fail to pay the call so made at the time required, such stockholders may be proceeded against by motion made in the circuit court of the county of residence of such stockholder for the amount of stock so remaining unpaid, which motion shall be made in writing, signed by an attorney at law, and shall set forth the call so
Collecting made, the notice given, the amount of stock subscribed
Subscriptions. for by said stockholder, and the amount remaining unpaid on such stock so called for, and the term of the court at which the motion will be made. The sheriff of the county shall serve the notice and make his return thereon and for his services shall be entitled to the same fees that are allowed sheriffs for like services in the execution summons and complaints under the general law. The clerk shall docket the case in its proper order, and for his services in this case shall be allowed the same fees to which he is entitled for like services in other cases under the general law. If the motion so made is executed more than twenty days before the term of the circuit court to which it is returnable, the case shall stand for trial at the first term of its issuance; if executed within twenty days before

such term it shall not stand for trial until the next ensuing term of said court. All the rules of pleading and evidence applicable to actions of assumpsit under the code of Alabama are applicable to proceedings under this section of this act, except that certificates of the secretary of said company, accompanied with the seal of the company, shall be evidence of the organization of the company, of the by-laws, rules and regulations, and of the proceedings of the company, of the calls made from time to time by the action of the directors of the company, and of the amount subscribed to the stock thereof by any stockholder, and the amount due and unpaid on such subscription at the time when such call was made or became due, and upon the production of such certificate if no plea is entered by way of defense, or if the plea is withdrawn, the court hearing such motion shall enter judgment final by default, or nil dicit, as the case may be, for the amount so certified to be due, with interest thereon. Such certificate shall be evidence on the trial of any issue joined upon such motion, unless the defendant makes oath at the time of the filing of his plea, that he believes the plea to be true, and gives notice that other evidence will be required. But in all cases the defendant may adduce lawful proof to contradict such certificate, all issues of fact joined upon such motion are to be tried as other civil actions by jury.

Security for costs.

SEC. 21. Be it further enacted, That in all proceedings commenced under the provisions of this act, security for costs must be lodged with the clerk of the circuit court of the county in which the suits are instituted before such proceedings are commenced.

Change of venue.

SEC. 22. Be it further enacted, That in all cases commenced under the provisions of section 20 of this act, and in all suits at law in the circuit court of said county in which the company shall be a party, either as plaintiff or defendant, either party may have a change of venue to the nearest county free from exception, upon application made and sufficient cause shown by affidavit as in ordinary civil cases.

SEC. 23. Be it further enacted, That said company

When work must begin. hereby incorporated shall commence the building of said road within five years from the passage of this act.

SEC. 24. Be it further enacted, That all laws contravening the provisions of this act are hereby repealed.

Approved Feb. 21, 1893.

No. 392.] AN ACT [H. B. 334.

To prohibit the sale or giving away of alcoholic, spirituous, vinous or malt liquors within six miles of Nances Creek Methodist Church in Calhoun county, Alabama, or within the limits of precinct twelve, Coffee county; or within the limits of Carpenter's precinct in Jackson county; or within four miles of Mt. Nebo church in precinct twenty-seven; Thompson's camp grounds or Holy Tree in Bishop's precinct, all within the county of Jackson, or within four miles of the public school building in the city of Bridgeport, in the county of Jackson; or within three miles of Weeping Mary church, in beat' eight Lee county; or within three miles of Friendship Baptist church in Crenshaw county; or within three miles of Zada church, Rama church, Union Hill church precinct two Henry county; or within two miles of Mary Baptist church precinct in beat ^fourteen in Tallapoosa county; or within five miles of Pleasant Grove Baptist church in precinct nine in Henry county; or within township twenty, range twenty-three, in Tallapoosa county; or within four miles of Liberty Baptist Church and Young's Chapel Methodist Church, Etowah county; or within two miles of Green Hill Church and school house at Green Hill in Lauderdale county; or within Ashville beat No. 1. in St. Clair county; or within three miles of Pierce Chapel M. E. Church, beat 7, Lee county; or within two miles of Clintonville academy in Coffee county; or within three miles of White Oak M. E. Church, beat 5 in Barbour county; or within. three miles of Cave Springs Baptist Church, beat 11,

in Etowah county; or within three miles of Marvin Chapel Church in Pickens county; or within beat 9 in Limestone county; all of the within places are in the State of Alabama; and within five miles of Smith's Chapel, Jackson county; or within the corporate limits of the town of Guin in Marion county; or within five miles of Canaan Church and Woodland Church in Lauderdale county; and to repeal all laws heretofore passed prohibiting the sale, giving away or otherwise disposing of alcoholic, vinous or malt liquors, or other intoxicating drinks or beverages, or fruits preserved in alcoholic liquors within five miles of Pierce Chapel Methodist Church in beat 7, Lee county, so far as said laws relate to the territory within five miles of Pierce Chapel Methodist Church.

SECTION 1. Be it enacted by the General Assembly of Alabama, That after the passage of this act it shall be unlawful to manufacture, sell or barter, give away or otherwise dispose of any spirituous, vinous or malt liquors, or any alcoholic bitters, cordials or beverages of any kind within six miles of Nance's Creek Methodist Church, in Calhoun county, Alabama; or within the limits of precinct 12, Coffee county; or within the limits of Carpenter's precinct, in Jackson county; or within four miles of Mt. Nebo Church, in precinct 27, Thompson's camp grounds or Holly Tree, Bishop's precinct, all within the county of Jackson; or within four miles of the public school building in the city of Bridgeport, in the county of Jackson; or within three miles of Weeping Mary Church, in beat 8, Lee county; or within three miles of Friendship Baptist Church, in Crenshaw county; or within three miles of Zada Church, Rama Church, Union Hill Church, precinct 2, Henry county; or within two miles of Mary Baptist Church precinct, in beat 14, in Tallapoosa county; or within five miles of Pleasant Grove Baptist Church, in precinct 9, in Henry county; or within township 20, range 23, in Tallapoosa county; or within three miles of Liberty Baptist Church and Young's Chapel Methodist Church, Etowah county; or within two miles of Green Hill Church and school house at Green Hill, in

Lauderdale county; or within Ashville beat No. 1, in St. Clair county; or within three miles of Pierce Chapel M. E. Church, beat 7, Lee county; or within two miles of Clintonville Academy, in Coffee county; or within three miles of "White Oak M. E. Church, beat 5, in Barbour county; or within three miles of Cave Springs Baptist Church, beat 11, in Etowah county; or within three miles of Marvin Chapel Church in Pickens county; or within beat 9, in Limestone county; or within the corporate limits of the town of Guin, in Marion county; or within five miles of Canaan Church and Woodland Church, in Lauderdale county; Provided, the provisions of this act so far as it applies to within the corporate limits of the town of Guin, in Marion county, or within five miles of Canaan Church and Woodland Church, in Landerdale county, shall not take effect until the first day of January, 1894. All laws or parts of laws-heretofore passed, prohibiting the sale, giving away or otherwise disposing of alcoholic, vinous or malt liquors, or other intoxicating drinks or beverages, or fruits preserved in alcoholic liquors, within five (5) miles of Pierce Chapel Methodist Church, in beat 7, Lee county, are hereby repealed, so far as said laws or parts of laws heretofore passed apply to said territory within five miles of said Pierce Chapel Methodist Church.

SEC. 2. Be it further enacted, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than five hundred dollars, at the discretion of the court trying the same. This act shall go into effect from and after its passage, except as otherwise hereinbefore provided.

Approved February 21, 1893.

No. 393.] AN ACT [H. B. 1118.

To change the boundary line between the counties of Covington and Crenshaw.

Section. 1. Be it enacted by the General Assembly of Alabama, That the boundary line of the counties of

Covington and Crenshaw be so changed that section thirty-two (32), township 6, range 18, be taken from the territory of Crenshaw county and added to the territory of Covington county.

Approved February 21, 1893.

No. 394.] AN ACT [H. B. 1133

To incorporate the society of Alumni, of the University of Alabama, and for other purposes pertaining to said society.

Section 1. Be it enacted by the General Assembly of Alabama, That the society of the Alumni of the University of Alabama be, and the same is, hereby made and constituted a body corporate, and as such, and by said name, or such other name as it may adopt, shall have perpetual succession, may sue and be sued, plead and be impleaded as a natural person, and may have and use a seal, and change the same at pleasure, and may have and exercise all such powers and privileges as are usually had and exercised by like corporations. Incorporation.

SEC. 2. Be it further enacted, That the present officers of said society, consisting of Sterling A. Wood, president; Huriosco Austill, 1st vice-president; John M. Petway, 2nd vice-president; Virginius W. Jones, secretary, and such other officers as the society may have duly elected; and the present executive committee of the society, consisting of William C. Jemison, chairman; Thomas C. McCorvey, Thomas W. Palmer, J. Craig Smith, and Thomas W. Coleman, Jr., and such other committees of the society as may have been duly appointed, be, and they are, hereby confirmed as the officers and committees of the society, and shall continue in office under the rules of the society, for the terms respectively for which they shall have been elected, or appointed. Officers.

SEC. 3. Be it further enacted, That said society shall have the right and power to make and adopt such constitution and by-laws, not inconsistent with the constitution and laws of the State, as may to them Constitution and laws.

seem proper and reasonable, therein providing for such membership therein, and such officers, boards and committees as may be necessary to better carry into effect the purposes of its organization; and the present constitution, by-laws, rules and regulations of the society are hereby ratified and confirmed, and continued in force until altered, repealed or amended by the society.

Purposes.

SEC. 4. Be it further enacted, That the purposes of such corporation are, and shall be, to aid, assist and co-operate with the board of trustees and the faculty of the University of Alabama in furthering and continuing the growth and development of the University of Alabama, and in encouraging the educational interests of the State.

Advisory committee.

SEC. 5. Be it further enacted, That said society shall also have the power to elect or appoint, under such regulations as may be hereafter established by it, an advisory of committee of three, to co operate with the board of trustees of the University of Alabama, to such extent, in such manner or on such matters as they may be requested to do by such board of trustees; and said board shall have power to provide for and allow the incidental expenses of said committee in like manner as they are authorized to provide for and allow their own expenses.

Vacancies.

SEC. 6. Be it further enacted, That the president of the society, by and with the advice and consent of the executive committee thereof, is authorized to fill any and all vacancies which may occur or exist in the offices, boards or committees of such society, pending the regular meeting of the society.

Property.

SEC. 7. Be it further enacted, That such society is authorized to own and hold property, real, personal and mixed, acquiring the same by lease, purchase, donation, bequests or devise, and holding and using the same for the benefit of said society; and said corporation shall have power and authority to sell, lease and mortgage its real, personal or other property, stocks, bonds or choses in action, and to loan and borrow money; and the property of said society shall be exempt from State, county or municipal taxation or assessment.

SEC. 8. Be it further enacted, That this act shall be

deemed and taken a public act of the State of Alabama, and shall be taken notice of judicially; without being specially pleaded. Public act.

SEC. 9. Be it further enacted, That allows or parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved Feb. 21, 1893.

No. 395.] AN ACT [H. B. 599

To confer upon the Birmingham Building and Loan Association, a body corporate, additional powers, by authorizing it to sell surplus money at private sale, to invest unsold money, to buy, sell, lease and dispose of real estate, to erect buildings or improvements, and to borrow money.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Birmingham Building and Loan Association, a body corporate, be, and is, hereby authorized and empowered to sell at private sale any surplus money it may have on hand, between the regular meetings of said association, to share holders, at a premium not less than a minimum premium fixed from time to time by its board of directors. Sales of money

SEC. 2. Be it further enacted, That said association be, and is, hereby authorized and empowered, by and with the consent of two-thirds of its board of directors, expressed by vote, to invest any unsold money it may have on hand at any time in the purchase of land, or in the erection of improvements on land, one or both, and said association is authorized to rent, sell or otherwise dispose of its real estate, or any portion thereof, either to shareholders or non-shareholders of the association, upon such terms as may be deemed to be to the interest of the association. Investing money.

SEC. 3. Be it further enacted. That said association is authorized to borrow money to sell to shareholders, or to buy lands, or to erect buildings or improvements on land, or for any or all of these purposes, and may secure the payment of the money borrowed by mortgage upon any or all of the real estate owned by it, May borrow money.

but no mortgage shall be executed by said association without the consent of the person holding the larger amount in value of the stock of said association, first obtained at a meeting to be held after thirty days notice is given of the time, place and purpose of said meeting, by publishing notice once a week for three successive weeks in some newspaper published in Birmingham, Alabama.

Approved Feb. 21, 1893.

No. 396.] AN ACT [H. B. 1029.

To submit to the people of the State, at the general election to be held on the first Monday in August, 1894, for representatives, for their consideration, an amendment to section seven, article eleven of the constitution, providing a special tax of one-fourth of one per centum for the city of Birmingham, to be applied to the payment of interest on the bonds of said city, and for a sinking fund to pay off said bonds at the maturity thereof.

Section 1. Be it enacted by the General Assembly of Alabama, That the following amendment to section seven, article eleven of the constitution is hereby proposed to be submitted to the people of Alabama for consideration as hereinafter set forth, viz: Amend said section seven, article eleven, by adding thereto the following: "And provided further, that this section shall not apply to the city of Birmingham, which city may levy and collect a tax not exceeding one-fourth of one per cent. in addition to the tax of one-half of one per centum herein above allowed to be levied and collected, such special tax to be applied exclusively to the payment of interest on the bonds of the said city of Birmingham issued by said city in pursuance of law, or that may hereafter be issued by said city in pursuance of law, and for a sinking fund to pay off said bonds at the maturity thereof," so that said section seven, article eleven, when so amended, will read as

The city of Birmingham.

follows: Section 7. No city, town or other municipal corporation, other than provided for in this article, shall levy or collect a larger rate of taxation, in any one year, on the property thereof than one-half of one per centum of the value of such property as assessed for State taxation during the preceding year; Provided, that for the payments of debts existing at the time of the ratification of this constitution and the interests thereon, an additional rate of one per centum may be collected, to be applied exclusively to such indebtedness; and provided, this section shall not apply to the city of Mobile, which city may, until the first day of January, one thousand eight hundred and seventy-nine, levy a tax not to exceed the rate of one per centum; from and after that time a tax not to exceed the rate of three-fourths of one per centum to pay the expenses of the city government, and may also, until the first day of January, one thousand eight hundred and seventy-nine, levy a tax not to exceed the rate of one per centum; and from and after that time a tax not to exceed the rate of three-fourths of one per centum to pay the existing indebtedness of said city and the interests thereon; and provided further, that this section shall not apply to the city of Birmingham, which city may levy and collect a tax not to exceed one-fourth of one per centum in addition to the tax of one-half of one per centum herein above allowed to be levied and collected, such special tax to be applied exclusively to the payment of interest on the bonds of said city of Birmingham issued in pursuance of law, or that may hereafter be issued by said city in pursuance of law, and for a sinking fund to pay off said bonds at the maturity thereof.

The city of Mobile.

SEC. 2. Be it further enacted, That it shall be the duty of the governor to make publication by proclamation at least three months before the next general election for representatives, of the amendment proposed by this act to be submitted to the people for consideration, and shall cause said proclamation to be published for three months by weekly insertion in at least four papers published in the State.

Publication.

SEC. 3. Be it further enacted, That at the general election to be held on the first Monday in August, 1894, the qualified electors shall vote on said amendment by ballot, which said ballot shall have written or printed on it the words, "for the Birmingham amendment," or against the Birmingham amendment," and it shall be deposited in the same manner and in the same box as the ballots for State and county officers; and said words may be written or printed on the same ticket for State and county officers, and if the ballot is a separate ballot by itself no objection shall be made to it on account of itself, except that it must be a plain piece of white paper, with the words above, "for Birmingham amendment," or "against the Birmingham amendment," written or printed on it.

Ballots to be voted.

SEC. 4. Be it further enacted, That the votes given on the proposed amendment to the constitution are to be counted and estimated in the same manner in all respects as the vote of representatives to the General Assembly, and a statement of the number of votes given for or against said amendment must be made to the returning officers of the county in the same manner as the returns of general elections are made to such returning officers by the same person and within the same time, and the said vote must be counted by the board of supervisors in the same way as the vote for representatives, and at the same time, and the said board of supervisors must make returns of the same to the secretary of state within five days after the same has been ascertained and declared by them.

Returns.

SEC. 5. Be it further enacted, That within fifteen days after the time for making the returns, the governor, in presence of the secretary of state, auditor and treasurer, or either of them, in the absence of the other, must estimate the returns and ascertain and declare the result, and if it shall appear that a majority of all the qualified electors of the State, who voted at such election, voted in favor of said proposed amendment, it shall be the duty of the governor to make known by proclamation the result of said election, and said amendment, from the date of said proclamation,

Opening and estimating

shall be valid, to all intents and purposes, as a part of the constitution of Alabama.

Approved Feb. 21, 1893.

No. 397.] AN ACT [H. B. 84.

For the relief of John V. Susginer and J. F. Susginer.

WHEREAS, on the 2d day of August, 1881, the n w ¼ and the n e ¼ of section 31, township 14, and range 5, in Marengo county, was sold for taxes and bid in by the State; And whereas, application was made to the auditor on February 23d, 1892, by John V. and J. F. Susginer to purchase the said lands from the State, notice of which application was mailed by the auditor to the owner through the office of the probate judge of Marengo county. No one having come forward as owner to purchase the above described lands, on April the 7th, 1892, the auditor and treasurer, with the approval of the governor, fixed the price for said lands at and for the sum of one hundred and sixty dollars, and on April the 25th, 1892, John V. Susginer and J. F. Susginer paid into the State treasury one hundred and sixty dollars, and had a deed made to them to the above described lands by Cyrus D. Hogue, then State auditor; And whereas, since such purchase and sale it has been discovered that the sale of the n e ¼ of section 31, township 14, range 5, was erroneous, the taxes on said land having been regularly paid by the owner thereof. Preamble.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of eighty dollars is hereby appropriated, cut of any money in the treasury not otherwise appropriated to refund to John Y. Susginer and J. F. Susginer the amount paid by them for the n e ¼ of section 31, township 14, range 5, which was found to have been erroneously sold for taxes. Amount.

SEC. 2. Be it further enacted, That the auditor is hereby authorized to draw his warrant on the State Treasurer for the said sum of eighty dollars in favor of John V. Susginer and J. F. Susginer, and it shall also be the duty of the auditor to ascertain the amount paid to the Auditor to draw warrant.

probate judge of Marengo county on account of said purchase as fees, taxes, penalty, costs and interest, and to certify said accounts to the probate judge of said Marengo county. When such probate judge shall present said claim to the next succeeding term of the commissioners court, when said court, after examination and finding said claim correct, shall order said probate judge to draw a warrant in favor of the State for said amount, which warrant shall be paid by the county treasurer to said probate judge, who shall remit it, less the expense of transmission, to the State treasurer, and report it to the auditor.

SEC. 3. Be it further enacted, That the auditor is hereby required to take up the deed made to John V. Susginer and J. F. Susginer, and issue to them a deed to the n w ¼ of section 21, township 14, range 5.

Approved Feb. 21, 1893.

No. 398.] AN ACT [H. B. 279.

To regulate the issue of garnishments and the proceedings thereon in the counties of Jefferson, Dallas, Calhoun, Escambia and Cleburne.

Section 1. Be it enacted by the General Assembly of Alabama, That any party desiring to sue out process of garnishment, in addition to the affidavit now required by law, shall make affidavit that the amount sought to be made is for necessary bread and meat for the support of defendant and his family, or for house rent, and it shall be unlawful for any justice of the peace or notary public to issue a garnishment on any claim when exemptions have not been waived in writing, and that such waiver shall only be given for necessary bread and meat for support of defendant and his family, or for house rent; provided, however, the provisions of this act shall not apply to garnishment for poll tax, or other tax.

Affidavit required.

SEC. 2. Be it further enacted, That in all garnishments before a justice of the peace or notary public, the plaintiff shall not recover greater costs than his damages; Provided, that in no case shall the costs exceed two dollars ($2.00), and that in all cases of garnishment when the

Costs.

garnishee answers not indebted to the defendant, the costs of said garnishments shall be taxed against the plaintiff in the suit.

SEC. 3. Be it further enacted, That it shall be unlawful for justices of the peace or notaries public to act as attorney or prosecutors in cases when garnishments have been issued from and made returnable to their courts.

SEC. 4. Be it further enacted, That for every violation of the provisions of this act by any party or parties, justice of the peace or notary public, the party or parties, justice of the peace or notary public so offending, upon conviction, shall be fined not less than fifty dollars nor more than five hundred dollars. Penalties.

SEC. 5. Be it further enacted, That all laws and parts of laws, general and special, in conflict with the provisions of this act be, and the same are hereby repealed; Provided, that this act shall only apply to the counties of Jefferson, Dallas, Calhoun, Escambia and Cleburne; And provided further, that this act shall not take effect for ninety (90) days after the approval of the same.

Approved February 21, 1893.

No. 399.] AN ACT [H. B. 850

To amend an act to incorporate the Tuskegee Normal and Industrial Institute, and to amend an act to amend an act to establish a Normal School for colored teachers at Tuskegee, Alabama.

Section. 1. Be it enacted by the General Assembly of Alabama, That an act to incorporate the Tuskegee Normal and Industrial Institute, and amend an act to amend an act to establish a Normal School for colored teachers at Tuskegee, approved December, 19, 1892, be amended so as to read as follows:

Section 1. That George W. Campbell, S. Q. Hale, Louis Adams, Oliver Howard, Henry D. Smith, B. T. Washington, Geo. S. Chaney, R. C. Bedford, Warren Logan, C. N. Dorsette, and such others as they may under this act associate with them, and their successors be, and are hereby constituted a body politic, and coporate, by the name of the Tuskegee Normal and Industrial Institute, Corporators.

and shall have perpetual succession and a common seal, and by the name aforesaid, they and their successors shall
Rights and powers. be capable in law, and shall have full power and authority, to acquire, hold, possess, purchase, receive and retain to themselves and their successors forever any lands, tenements, rents, goods, chattels, or interest of any kind whatsoever, which may be given or bequeathed to them or by them purchased, or which have already been bequeathed or purchased for the use of the said institution; and said trustees may receive any gift or inheritance which may be given as an endowment fund, and they and their successors shall have full power to convey, transfer and dispose of the same in any manner whatsoever they may judge most useful to the interest and legal purposes of said institution, and by their corporate name they may sue and implead, and be sued and impleaded, answer and be answered, in all courts of law and equity. and said trustees shall have the right to make contracts in behalf of said institution.

SEC. 2. Be it further enacted, That the purposes of said Tuskegee Normal and Industrial institution shall be
Purposes. as follows: for the instruction of colored teachers and youth in the various common academic and collegiate branches, the best method of teaching the same, the best method of theoretical and practical industry in their application to agriculture and the mechanic arts, and for the carrying out of these purposes said trustees shall have the power to establish and provide for the support of any department or school in said institution, and to control the operations of the same; to grant such diplomas, and to confer such degrees, as are customary in other colleges of like grade ; to appoint such officers for presiding over and transacting the business of their body as may be necessary and prescibe their duties and obligations ; to appoint the time and place of their meeting, to determine their own tenure of office, and to adopt such rules, regulation and by laws, not contrary to the laws of this State or the United States as may be necessary for the good government of the said Tuskegee Normal and Industrial Institute. Said institute shall not be begun nor continued with a less number than twenty-five pupils, nor be taught for a period less than nine months of each year. Pupils from this State shall be admitted free of tuition on giving an obligation in writing to teach

for two years in the public schools of this State after they have become qualified.

Vacancies.

SEC. 3. Be it further enacted, That when there shall be a vacancy in the board of trustees occasioned by death, resignation, removal or refusal to act, the remaining trustees or a majority of them shall supply the vacancy at the next annual meeting. It shall be lawful for any five of the trustees to call a meeting of the trustees whenever it is deemed expedient to do so.

Number of trustees.

SEC. 4. Be it further enacted, That the number of trustees shall never be less than seven nor more than fourteen, the majority of whom shall constitute a quorum.

Property.

SEC. 5. Be it further enacted, That all property acquired by said Tuskegee Normal and Industrial Institute, or Tuskegee Normal school, or Tuskegee Institute, or by whatever name so called before the passage of this act, are hereby ratified and confirmed to the trustees of the Tnskegee Normal and Industrial Institute.

Fund.

SEC. 6. Be it further enacted, That there is hereby appropriated out of the general school revenue the sum of three thousand dollars annually toward the maintenance and support of said school, and the apportionment of the general fund for colored children shall be made to the several counties of this State after the deduction of the sum herein appropriated. The said appropriation shall be under the control of the commissioners herein after provided for, and shall be applied in such manner as they may deem best to carry out the purposes of this act, and said commissioners shall be members of said board of trustees with the same rights and powers as the other trustees.

Board of control.

SEC. 7. Be it further enacted, That the appropriation shall be under the direction and control of a board of three commissioners, which shall consist of the following persons, to-wit: George W. Campbell, S. Q. Hale and Louis Adams, who shall elect one of their number as chairman of their board, and shall have power to fill any vacancy that may occur in the board. In case a majority of the commissioners cannot agree upon a person to be chairman, or a person to fill a vacancy in the board; then such disagreement shall be certified to the superintendent of education for the State; that officer shall forthwith appoint a member of the board to be chairman, or a person to fill the vacancy, as the case may be, and the

member of the board so appointed as chairman, and the person so appointed to the vacancy, shall have the same power and authority as if he had been selected by the board. The commissioners shall make an annual written report to the superintendent of education of the condition and progress of the school, the teachers that have been employed, the number of pupils that have been in attendance, the manner in which the appropriation has been expended, the branches that have been taught, and such other facts relating to the school as may be of public interest and importance.

Reports.

SEC. 8. Be it further enacted, That the chairman of the board of commissioners shall give bond in double the amount of the appropriation for the safe keeping and faithful application of the sum appropriated; the bond to be approved by the judge of probate of Macon county and filed in his office, a certified copy of which shall be forwarded to the State superintendent of education, to be placed on file in his office.

Bond of chairman.

SEC. 9. Be it further enacted, That the chairman of the board of commissioners of the Tuskegee Normal and Industrial Institute shall, after the approval and filing of the bond, and the certified copy of the same as provided hereinbefore, present to the State superintendent of education a requisition for the amount herein appropriated, and the superintendent of education shall thereupon certify the amount to the State auditor, who shall draw his warrant for the same on the State treasurer, payable to the chairman of" the board of commissioners, for the maintenance and support of the said Tuskegee Normal and Industrial Institute, as herein before provided, and a like requisition shall be presented, and the sum herein appropriated so drawn each year as the same shall accrue.

Requisition for funds.

SEC. 10. Be it further enacted, That so long as the property, real and personal of the said Tuskegee Normal and Industrial Institute is used for the purposes of education, the same shall be exempt from taxation of any kind.

Property not taxed.

SEC. 11. Be it further enacted, That all laws and parts of laws in conflict with any of the provisions of this act be, and the same are, hereby repealed.

Approved February 21, 1893.

No. 400.] AN ACT [H. B. 65.

To refund to N. E. Young three hundred and twenty dollars paid into the State treasury by her for the purchase of certain lands which had been bid in by the State for taxes, but which it was subsequently found had been erroneously sold.

Whereas, The following described real estate lying in Clarke county, Ala., viz.: N. E. ¼ of section 22, W. ½ of N. E. ¼ , and W. ½ of S. E. ¼ , section 23, N. E. ¼ of S. E. ¼ , section 15, S. ½ of S. E. 5, and S. W. ¼ section 14, S. W. ¼ of S. W. ¼ , section 13, all in township 5, range 3, was sold and bid in by the State on the 18th of May, 1885, for the taxes of 1884; and

Whereas, said property not having been redeemed, application was made to the auditor by N. E. Young to purchase said lands from the State, notice of which was, on the 22nd day of August, 1888, mailed to the owner, through John M. Wilson, probate judge of Clarke county, and as the owner did not appear and repurchase his property, the auditor and treasurer, with the approval of the governor, on the 27th day of September, 1888, priced said lands to N. E. Young for the sum of three hundred and twenty dollars, and on the 15th of October, 1888, the said N. E. Young paid into the State treasury the sum of three hundred and twenty dollars, and thereupon the auditor made and delivered a deed for said lands; and

Whereas, on the 10th of August, 1889, the auditor issued warrant No. 4027 in favor of John M. Wilson, probate judge of Clarke county, for the sum of twenty-seven 49-100 dollars in payment of county taxes and officers fees in said sale of lands; and

Whereas, from evidence produced before him that the taxes on said lands had been paid for the year 1884, by one DeLoach, on the 16th day of November, 1891, the probate judge of Clarke county, made and filed a certificate in the auditor's office, that the sale of said lands for taxes was erroneous; therefore

SECTION 1. Be it enacted by the General Assembly

of Alabama, That the sum of two hundred and ninety-two, 51-100 dollars, be and the same is hereby appro-
Appropriation by State. priated out of any money in the State treasury not otherwise appropriated, for the reimbursement of N. E. Young; and the auditor of the State of Alabama, be and he is hereby authorized and requested to draw his warrant on the State treasury for the sum of two hundred and ninety-two 50-100 dollars, in favor of the said N. E. Young.

SEC. 2. Be it further enacted, That the sum of twenty-seven 49-100 dollars be appropriated out of any
County appropriation. money in the treasury of Clarke county not otherwise appropriated to reimburse N. E. Young, said sum being the amount paid by the State to the probate judge of Clarke county, from the amount paid by N. E. Young for said lands, and the probate judge of Clarke county is hereby authorized and required to draw his warrant upon the treasury of Clarke county for the sum of twenty-seven 49-100 dollars, in favor of the said N. E. Young.

Approved February 21, 1893.

No. 401.] AN ACT [H. B. 1140.

To amend an act entitled an act to repeal section 3210, and to amend sections 3211, 3212, 3214, 3215, 3216, and 3217, of the code of 1886, relating to the condemnation of lands for public uses, approved February 18th, 1891, so far as the same relates to Limestone county.

Section 1. Be it enacted by the General Assembly of Alabama, That section 3212 of the Code of Alabama be amended so as to read as follows, to-wit: 3212, report of the commissioners, The commissioners, or a majority of them, must from the evidence, ascertain and assess the damages or compensation to which the owner or owners are entitled, not exceeding three times the value of the land as given in for taxes by the owner

of the land, and report the same in writing to the court, within ten days from their appointment, and thereupon the court must order the same to be recorded, and must make an order of condemnation in pursuance thereof, upon payment of the damages or compensation so assessed and reported; Provided, that the provisions of this amendment shall apply only to Limestone county.

Approved February 21, 1893.

No. 402.] AN ACT [H. B. 1032.

To charter the town of Headland.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the town of Headland, in the county of Henry, shall be and continue a body politic and corporate by the name of the town of Headland, and by this corporate name may sue and be sued, grant, receive and do all other acts as natural persons in respect to the powers herein granted; may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said town ; and may have and use a corporate seal, which may be broken or altered at pleasure. Corporate name.

SEC. 2. Be it further enacted, That the corporate limits of the town of Headland shall embrace an area of four square miles, as follows: Commencing at a point one mile due west of the centre of the square in the town of Headland, as it is now laid off, and running thence due north a distance of one mile, thence due east a distance of two miles, thence due south a distance of two miles, thence due west a distance of two miles, and thence due north a distance of one mile to the starting point. Boundaries.

SEC. 3. Be it further enacted, That an election shall be held in the town of Headland on the first Monday in January, annually, after 1893, for the purpose of electing a mayor and four councilmen, male inhabitants over the age of twenty-one years, residents of said town, who shall serve for the term of one year and until their successors in office are elected and qualified; Provided, that

the present mayor and councilmen shall hold their offices until the first Monday in January, 1894, and until their successors are elected and qualified ; and all persons living within said incorporation thirty days, and are qualified voters for members of the general assembly of this State,
Elections. shall be entitled to vote in said municipal election. If for any cause said town fails to hold an election on the day specified by this act, they shall within thirty days hold an election ; Provided, that notice of such election be published by posting notice in three or more public places in said town for ten days prior to the day set for such election, and all boards of managers of said corporation election shall be designated by the mayor and board of aldermen. The mayor and aldermen shall declare the result of elections and declare who are elected officers; and in case of a tie, shall determine who shall be mayor and aldermen ; but the corporation shall not be dissolved should there be no election as herein prescribed, and should said mayor and aldermen fail or refuse to order such election within thirty days, they shall be guilty of a misdemeanor, and the citizens, legal voters of said town, may order said election as described in this section. That any election held under this act may be contested in the same manner as is or may be provided by the laws of this State for the contests of the election of judge of probate, and that so far as practicable apply to the contests of all elections held under this act.

SEC. 4. Be it further enacted, That the board shall consist of the mayor and four aldermen, and shall have the following powers: 1. To control the finances and property of the corporation. 2. To appropriate money for purposes provided in this act, and by proper ordinance to provide for the payment of the legitimate debts and expenses of the corporation. 3. To levy and collect taxes for general and special purposes on real and personal property situated within the limits of the town. 4. To license all business and trades not prohibited by the constitution and laws of the State of Alabama; to fix the amount, terms and manner of issuing or revoking such license; to provide a penalty for doing business without such license when it ia required. 5. To license and regulate auctioneers, distillers, brewers, lumber yards, livery stables, public sales, money changers, money brokers, second hand

and junk stores. 6. To license, regulate and restrain street cars, hackmen, draymen, omnibus drivers, carts, cabmen, porters, runners for stages, cars and public houses, expressmen and others pursuing like occupations, and to prescribe their compensation. 7. To license, regulate and restrain pin alleys, ball players, bagatelles, pigeon holes, pool and billiards, or any other tables used for a similar purpose. 8. To license, regulate and restrain the selling or giving away of any spirituous, vinous or malt liquors within the corporate limits of the town, the license not to extend for a longer period than the fiscal year in which it shall be granted; and the board of councilmen may fix the license for selling said spirituous, vinous or malt liquors in a sum in their discretion not to exceed one thousand dollars per annum; Provided, that permit may be granted to druggists for the sale of liquors for medical, chemical, mechanical and sacramental purposes, subject to the forfeit use under such regulations as may by ordinance be established. 9. To revoke all license under such restrictions and regulations as may be provided by ordinance. 10. To close houses and places for the sale of intoxicating liquors when the public safety and peace may require. 11. To forbid and punish the selling or giving away of any spirituous, vinous or malt liquors to any minor, habitual drunkard or person of feeble mind. i2. To prohibit and suppress houses if prostitution and disorderly houses, also to suppress gaming, gambling and gambling houses, lotteries and all fraudulent devices and practices for the purpose of gaining or obtaining money or property, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations, and to prohibit and suppress all public masquerades, exhibitions and amusements which violate public morals and decency. 13. To assess, levy and collect annually a tax for general and special purposes on real and personal property, at a rate hot exceeding one-half of one per cent on the cash value thereof. 14. To license, regulate and restrain peddling and vending of patent medicines within the corporate limits of said town. 15. To establish, open, alter, vacate, abolish, widen, extend, grade, cut down, fill in, pave or otherwise improve all streets, sidewalks, alleys, public grounds and

General powers of corporation.

squares, and to provide for the payment thereof in a manner not insonsistent with the provisions of this act. 16. To plant trees upon the same, to regulate the use of the same, to prevent and remove obstructions and encroachments upon and to provide for the clearing of the same. 17. To regulate the use of sidewalks and all structures thereunder, and to require the owner or occupant of any premises to keep the sidewalk in front or along the same free from obstruction. 18. To regulate and prevent the throwing or depositing of ashes, dirt, garbage or any offensive matter in, and to prevent injury to any street, ravine, alley or public grounds. 19. To provide for and regulate cross-walks, curbs and gutters. 20. To prevent and regulate the use of sidewalks, streets and public grounds for signs and sign posts, awnings and awning posts, horse troughs, racks, posting hand bills and advertisements 21. To regulate traffic and sales on the streets, sidewalks, alleys, avenues and public places. 22. To regulate the speed of horses and other animals, vehicles, etc., within the corporate limits. 23. To provide for draining off or filling up of ponds or mud holes on private property whenever necessary to prevent or abate nuisances, and to cause the same to be done at the expense of the town, or at the cost of the owner of the premises, as the council may deem best. 24. To prevent infectious or contagious diseases from being introduced into said town; to ordain all regulations necessary for an effective quarantine and to enforce the same within one mile of the corporate limits of said town. 25. To maintain cleanliness and health, to provide for the cleaning of places likely to become detrimental thereto, and by ordinance to protect health, prevent the spread of disease and maintain a good sanitary condition in the streets, public places and private premises of said town. 26. To suppress all nuisances at the expense of the person Causing the same, or upon whose premises it may be found, on private or public property, and may enter upon private property for that purpose. 27. To establish a system of drainage and to regulate the manner in which the drainage from private property may be disposed of. 28. To prevent the sale of adulterated or decayed food or adulterated

drinks. 29. To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs. 30. To prevent any offensive or unwholesome business or establishment within the corporate limits of the town. 31. To compel the owner of any grocery, cellar, tannery, stable, pigsty, privy, sewer or other unwholesome or nuisance house or place, to cleanse, remove or abate the same and to regulate the location thereof. 32. To provide for the erection and care of public buildings necessary for the use of the town. 33. To provide for the taking of the census of the town, which may be taken every two years, but not oftener. 34. To exercise the rights of eminent domain for public purposes in the manner prescribed by the constitution and laws of the State of Alabama. 35. To regulate places of amusement and public entertainments. 36. To determine the limits within which wooden buildings shall not be erected, and to prevent the reconstruction in wood of old buildings and parts thereof which are dangerous and insecure. 37. To organize, establish and maintain free public schools. 38. To regulate the police of the town and to restrain and prohibit disorderly conduct and breaches of the peace. 39. To regulate, restrain or prevent the use of fire works fire crackers, torpedoes, roman candles, sky-rockets and other fire-works. 40. To prescribe the duties and powers of the marshal, policeman or watchman, and to provide for the payment of said officers. 41. To prohibit and prevent cruelty to animals; to restrain vagrants, mendicants and prostitutes; to prohibit and restrain gaming and the keeping of gaming houses; to impound and forfeit domestic animals found on the streets contrary to the ordinances of the board; to prevent nuisances and punish persons creating the same, and to abate and remove the same at the expense of the person causing or creating the same; to remove any obstruction of the sidewalks, streets and alleys, to punish the same by fine and to remove the same at the expense of the person causing the same; the regulation of partition and other fences and walls; to increase the police force at any time when considered neces-

sary; to pass and enforce all ordinances needful and beneficial to the well-being of the inhabitants of Headland, not in conflict with the constitution and laws of the State of Alabama, and the provisions of this act. 42. To pass ordinances for the punishment of all persons who in any manner obstructs or interferes with any police officer in the lawful performance of any of his duties as such police officer and for the punishment of any person who, when called upon by any of the town officers to aid in the arrest of any person in the police jurisdiction of said town, shall refuse to render assistance as required. 43. To any person against whom upon trial for the violation of a town ordinance a fine or penalty has been imposed, may upon the order of the magistrate, be committed to the town prison until such fine and costs are paid. The board of aldermen shall have the power to provide by ordinance that every person so committed shall be required to work out such fine upon the streets, or otherwise in payment of such fine not exceeding one dollar per day exclusive of board; Provided, that no female shall be required to work upon the streets of said town. 44. The board shall have authority to require all male inhabitants of said corporation who would otherwise be subject to road duty on the public roads under the general laws of this State, to work upon the streets of said town not exceeding ten days in each year, under such direction as the board may prescribe; Provided, that any person so required to work may relieve himself from working by paying into the town treasury such a sum as the board may direct; Provided, further, that the male inhabitants of said town shall be exempt from working on the roads and highways outside of said town limits. The money so paid into the treasury shall constitute a street fund, and shall be applied exclusively to work and improvements upon the streets of said town.

SEC. 5. Be it further enacted, That, 1, the mayor and aldermen may levy and collect each year upon all real and personal property on all subject to State taxation within said town, not exceeding one-half of one

per centum on the value of such property and subject of taxation. All property are subjects of taxation within the corporate limits of the town at the time the levy is made shall be liable to taxation as herein provided. The board of aldermen shall inspect the return of the assessor and in case where property is not given in at its value shall raise the valuation thereof after first giving the owner of said property ten days notice to appear before them and show cause why the same shall not be done; and the taxes levied under their act shall have the force and effect of any judgment at law against the person assessed therewith, and for the payment of such taxes the town of Headland shall have a preferred claim over all incumbrances and securities whatever, and all taxes assessed against the property of any person or persons under this act, or for which such person shall become liable for the current year, shall be a lien upon the real and personal estate of such person within said town of Headland on the first day of January of that year, or if brought in the town after that time the lien shall attach from the time it is brought in. 3. After the taxes shall be fixed and levied the person empowered to collect the taxes shall give thirty days notice by posting notices in conspicious places that he is ready to receive payment of the tax so levied. 4. After thirty days have elapsed from the first publication of such notice the said collector of taxes or his deputy shall make a personal demand upon delinquent tax payers wherever they may be found. 5. After the expiration of sixty days from the first publication of the tax collector's notice as aforesaid, the tax collector may levy upon, seize and sell any personal property if there be any and if none, or not sufficient personal property, then upon the realty of said delinquent tax payers, and no personal property so sold shall be the subject of redemption, but when real estate is levied upon, ten days notice of sale be given by posting in public places in said town of Headland. The land may be described by such numbers and abbreviations as will clearly indicate the land to be sold. Sale shall be at some place in said town. 6. At such sale the tax

Taxes.

Tax sales.

collector shall sell off a sufficient quantity at such sale to the taxes and costs and make a certificate of purchase to the person bidding in the same. The town of Headland may be a purchaser in the absence of a bidder for such property, and said certificate of purchase shall vest in said town of Headland, the same rights as in other persons. 7. Any real property sold under the provisions of this act may be redeemed any time within two years after the sale, by payment to the town of Headland the amount of the purchase-money, all subsequent costs and taxes that may have been paid by the purchaser, and interest thereon at the rate of ten per cent. per annum; and upon said payment shall receive from the tax collector a certificate of redemption thereof. It shall be the duty of the tax collector, or the person or officer empowered by the board to collect the taxes, to keep a record of all certificates of purchase and redemption. After the expiration of two years from the date of sale, the property so sold is not redeemed the tax collector then in office shall, upon application of the holder of the certificates of purchase, make a deed to such property sold and unredeemed and make and deliver a deed to such property to such certificate holder or his assignee, upon return of the certificate of purchaser. Payment of all subsequent taxes upon said property, and one dollar for the deed, such deed shall be made by the tax collector in his official capacity, so signed by him and acknowledged before some officer competent to take acknowledgments of conveyances, and shall invest the holder with the same rights as any other deed to real estate and may be in like manner recorded. 8. For failure to work the streets the person so failing shall be reported to the mayor by the marshal or other officer who shall oversee such work in such manner as may be provided by the ordinances of said town. The mayor to try said defaulter after being arrested and brought before him and asses a fine, if found guilty, at a rate not to exceed three dollars per day in default.

Redemption.

Street work.

SEC. 6. Be it further enacted, That, 1, the style of the ordinances of said town shall be, "Be it ordained by the town of Headland. 2. All ordinances and the publication thereof may be proved by the certificate of the clerk of the board over his affidavit signature. 3. All

Style of ordinance.

actions in the nature of prosecutions for the violation of town ordinances to recover any fine or to enforce any penalty under any ordinance in said town shall be brought in the name of "the town of Headland" as plaintiff of all fines and forfeiture for violation of all town ordinances. And all moneys collected for license shall be paid into the treasury of the corporation at such time and in such manner as the board may direct.

SEC. 7. Be it further enacted, That any person against whom a fine has been imposed for violation of town ordinance, or failure to work the streets, may take an appeal from the judgment of the magistrate to the circuit court of Henry county, by entering into a bond with good and sufficient surety, said bond to be approved by the mayor in double the sum of the fine so imposed, conditioned upon the payment of any judgment as to fine and costs as may be rendered against him in said court; said bond to be made within five days after the fine has been imposed, and upon entering into such bond, the mayor shall send a certified transcript of the proceedings of said cause as they may appear upon the docket, together with said bond, to the circuit court within the time and in the manner prescribed by the general laws relating to appeal from a judgment of a justice of the peace in civil cases. The board of aldermen shall, on their first meeting after qualification, or as soon thereafter as practicable, elect a clerk, either from their own number or outside of the board, who shall have the custody of the corporate seal; whose duty it shall be to attend all meetings of the board, who shall provide himself at the expense of the town, to be paid out of the general fund, a minute book in which he shall enter a full and accurate report of the proceedings of the board. He shall issue and cause to be served upon the councilmen notices of all special meetings of the board and to give notice to all persons whose presence may be required before the board, any committee thereof when so directed; he shall keep a separate book, to be kept for that purpose, a record of all ord inances passed by the board, and at the foot of the record of each ordinance so passed shall make a memorandum of the date of the passage, and the fact of the due publication of the same, as may be required by charter or ordinance, which record and memorandum, or a certified copy thereof shall be for all

Clerk.

purposes, prima facie evidence of the passage of said ordinance and the due and legal publication, printing or posting thereof. He shall be the clerk of the police magistrate, have the power to administer oaths on all lawful occasions and shall, with the mayor, countersign all orders upon the treasurer for the payment of moneys ordered to be paid by the board of councilmen, and perform such other duties as may be imposed upon him either by the provisions of this act or by such ordinances and by-laws as may from time to time be passed by the board of councilmen. The board shall at their first regular meeting or as soon thereafter as possible, elect one of their own number as treasurer, who before assuming the duties of the office shall enter into a bond as herein provided, and who shall be the custodian of all moneys belonging to the town, and shall deposit the same as the board may direct, and shall keep a faithful and true account of the same and pay them out in such manner and under such regulations as the board may direct and shall make reports to the board relating to the finances of the town as such board may direct, and perform all other duties as the board shall by ordinance prescribe.

Treasurer.

SEC. 8. Be it further enacted, 1. That the mayor shall be the chief executive officer of the town, and perform all such duties as are, or may be, prescribed by law or by the town ordinances, and shall take care that the laws and ordinances are faithfully executed. 2. The mayor shall, from time lay before the board a full statement of the condition of the affairs of the town, and shall recommend such measures as he may deem expedient. 3. The mayor shall have the power at all times to examine and inspect the books, records and papers of any employe, agent or officer of the town. 4. He shall have the power and jurisdiction of a justice of the peace of the same precinct in all matters, both civil and criminal, in the same manner and to the same extent as a justice of the peace. 5. He shall be the police magistrate of said town and impose the penalties prescribed by ordinances or by this act for the violation of the ordinances and by-laws of the town; Provided, that in no case shall the fine exceed one hundred dollars. 6. He shall have power to remove the clerk, marshal or any police or other officer of the town, elected by the board, whenever he deems

The mayor.

there is good and sufficient reason therefor, but he must file in writing, with the board, not more than five days after removal, his reasons for so doing, and on his failure to file said statement with the clerk of the board, or if the board, by a two-thirds vote to be entered on the records, shall disapprove of such removal, the officer so removed shall thereby be reinstated in his office. 7. He shall have power to punish for contempt, by fine not exceeding six dollars and imprisonment not exceeding six hours, or both.

SEC. 9. Be it further enacted, That the marshal and other police officer or officers of said town shall have the authority, and it shall be their duty, to execute the lawful ordinances of such corporate authorities, and must, without warrant, arrest all persons breaking the peace or violating any ordinance, and bring the offender before the may or, as police magistrate, and the marshal shall have the authority to execute all process issued by the mayor as ex-officio justice of the peace. Police.

SEC. 10. Be it further enacted, That the provisions of this act shall go into effect immediately after its passage, and the rights, powers and authority herein granted are hereby vested in the present mayor and councilmen of the town of Headland, who are hereby declared a board of aldermen for said town, and who shall exercise the rights, privileges and powers, and to perform the duties as such board until the first Monday in January, 1891, or until their successors are duly elected and qualified.

Approved February 2l, 1893.

No. 403.] AN ACT [H. B. 976

To refund to A. F. Wilson eighty dollars, paid into the State treasury by him for the purchase of certain lands which had been bid in by the State for taxes, and which were subsequently redeemed by a minor owner of said lands.

WHEREAS, The following described real estate, lying in Elmore county, Alabama, viz.: W. 1/2 of S. W. 1/4 of

section 4, township 17, range 20; E. 1/2 of S. E. 1/4 of section 5, township 17, range 20, was sold and bid in by the State on the 6th day of June, 1881, for the taxes of 1880; and

WHEREAS, Said property not then having been redeemed, application was made to the auditor by Albert F. Wilson to purchase said lands from the State, notice of which was, on the 21et of April, 1892, mailed to W. A. Austin, the then probate judge of Elmore county, for the owner, and as the owner did not appear and re-purchase his property, the auditor and treasurer, with the approval of the governor, on the 21st day of April, 1892, priced said lands to A. F. Wilson for the sum of eight hundred dollars, and on the 21st of April, 1892, the said A. F. Wilson paid into the treasury the sum of eight hundred dollars, and on the 21st of April, 1892, the said A. F. Wilson paid into the treasury the sum of eighty dollars, and thereupon the auditor made and delivered a deed of said lands, along with other lands; and

Preamble.

WHEREAS, On the 3rd of May, 1892, the auditor issued warrant No. 2335 in favor of W. A. Austin, the then probate judge of Elmore county, for the sum of $44.33, in payment of county taxes and officers fees in said sales of lands, the proportionate part of which was due on the land above named, was $25.28; and

WHEREAS, On the 14th of December, 1882, the owner of said lands, who was then a minor, made application to Cabot Lull, probate judge of Elmore county, for the redemption of said lands, and made proof under oath of his minority, and obtained from the said Cabot Lull a certificate of redemption of said lands; therefore

Section 1. Be it enacted by the General Assembly of Alabama, That the sum of $54.70 as principal, and 8 per cent. interest added from date of payment, be, and the same hereby is, appropriated out of any money in the State treasury not otherwise appropriated, for the reimbursement of A. F. Wilson, and the auditor of the State of Alabama is authorized and required to draw his warrant on the State treasurer for the sum of $54.70, together with such accrued interest, in favor of A. F. Wilson.

Amount from state.

SEC. 2. Be it further enacted, That the sum of $25.30, together with 8 per cent. interest from the date of pay-

ment, be appropriated out of any money in the treasury of Elmore county not otherwise appropriated, to reimburse A. F. Wilson, said sum being the amount paid by the State to the probate judge of Elmore county from the amount paid by A. F. Wilson, for said lands, and the probate judge of Elmore county is hereby authorized and required to draw a warrant on the treasurer of Elmore county for the sum of $25.30, together with such accrued interest, in favor of A. F. Wilson. Amount from county.

Approved February 21, 1893.

No. 404.] AN ACT [H. B. 641

To refund license money to James M. Stafford, of DeKalb county.

WHEREAS, On the 14th day of May, 1885, James M. Stafford obtained a license to transact business as an itinerant dealer in fruit trees in the county of DeKalb, Alabama, for which he paid the State of Alabama twenty-five dollars, for the year 1885; and

WHEREAS, The law under which such license was issued, and said amount paid by the Supreme Court of the United States, and the Supreme Court of Alabama, was declared unconstitutional and void, and said amount was collected without authority of law; therefore

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of twenty-five dollars, the said license money, be refunded to the said James M. Stafford, and the auditor is hereby authorized and directed to draw his warrant on the treasurer, in favor of James M. Stafford, for the said amount of twenty-five dollars, to be paid out of any funds in the treasury not otherwise appropriated. Amount.

Approved February 21, 1893.

No. 405.] AN ACT [H. B. 1069.

To legalize the sale of a school lot in township 2, range 15, west, Colbert county, Alabama.

Be it enacted by the General Assembly of Alabama, That the act of Geo. T. McWhorter, F. D. Thompson and Thomas Spencer, school trustees of township 2, range 15, west, Colbert county, Alabama, in conveying a certain lot in said township, fully described in deed of conveyance, to the Riverton Land Company, in exchange for block No. 61, in the city of Riverton, is hereby ratified, and the deed made legal and valid.

Approved February 21, 1893.

No. 406.] AN ACT [H. B. 601.

To enlarge the powers, rights, franchises and privileges of the Birmingham and Jones Valley Railway Company, and to confirm the charter of said railway company, and all acts of said railway company done under said charter.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the organization and charter of Birmingham and Jones Valley Railway Company and all acts of said railway company done under and by virtue of such organization, be and the same are hereby confirmed.

Charter confirmed.

SEC. 2. Be it further enacted, That said company is hereby authorized and empowered to survey, locate and operate a railroad with one or more lines of tracks of rails from Birmingham, Alabama, to a point on the Georgia State line near the town of Rockmart, in said State, or to a point on said State line south of the city of Rome, in said State, with one or more branches to the city of Gadsden, and to a point on the Tennessee State line southwest of Chattanooga, Tennessee, with such branches, spurs and sidings as may be necessary to make connection with other railroads, or to reach deposits of coal, iron ore, limestone or other minerals in the counties of Jefferson, St. Clair, Calhoun, Etowah, DeKalb, Blount and Cherokee. Said railway company is also authorized and

Routes of the road.

empowered to survey, locate and contract, alter, maintain and operate a railroad with one or more lines of tracks of rails, from Birmingham, through the counties of Jefferson, Tuscaloosa and Pickens, to a point on the Mississippi State line, near the town of Macon in said State, and also from Birmingham, through the counties of Jefferson, St. Clair, Talladega, Clay, Randolph and Cleburne to a point on the Georgia State line in the county of Randolph in Alabama; and on such railroad and branches the said company is hereby authorized to carry for hire persons and property by the power and force of steam, animal or other mechanical power or powers, or any combination of them; Provided, that nothing in this act shall be taken or construed to exempt said corporation from regulation of rates and fares and control by the legislature of this State, or by any instrumentalities that the legislature may deem best to effectually carry out such regulation and control, but such regulation of rates, fares, and control, so fixed and established, shall not reduce the income of said railway company derived from its traffic of freight and passengers below an amount sufficient to defray the annual interest and dividend charges on the cost of building, operating, equipping and maintaining said railroad.

SEC. 3. Be it further enacted, That said railway company is authorized to build, equip, maintain and operate in connection with its said railroad, branch railroads to connect with any other railroads in the State, or elsewhere, and said railway company may build switches, bridges, trestles, coal-shutes or wharves, as the traffic transported over its road may require, and which the company may deem necessary and convenient. Branch lines.

SEC. 4. Be it further enacted, That for the purpose of constructing said railroad, and branches, the said company is hereby authorized to survey, lay out the right of way, not exceeding one hundred feet wide; and for the purpose of depots, machine shops, warehouses, engine houses, water stations, car sheds, coal chutes, eating houses, car or depot yards, wharves, piers or other structures necessary or convenient for the business of the company, and for the purpose of making embankments, and excavations, and for switches, connecting tracks, and turnouts; and for obtaining earth, stone, gravel, timber or other material, or for the purpose of protecting its Rights of way.

structures, it may take as much more land as the necessities or convenience of said railroad company requires from time to time, for the use and protection of its said railroad, branches and structures; Provided, no such property shall be taken or applied unless just compensation to the owner shall first be made, as required by the constitution of the State, to be determined as may be provided by general laws, or as hereinafter provided, but said company may previously enter upon any land for the purpose of surveying, locating and laying out its said railroad and structures; Provided, that no right to private property to the use of said company is conferred by this charter, except that conferred by the constitution of Alabama upon railroad companies, and by the general laws of the State, and by this act as hereinafter set out.

SEC. 5. Be it further enacted, That said company may, in lieu of constructing any portion of its line or branch-

May lease roads. es, purchase or acquire by lease, for a term not exceeding one hundred years, the road bed of any other railroad or any portion of such railroad whose line may be located in whole or in part, along the line of its proposed railroad or its branches ; or said company may, for the purpose of making lines, make common stock, or any other lawful contract whereby it may sell or lease, as aforesaid, to such other company, any or all, of its railroad or branches and the franchise thereof.

SEC. 6. Be it further enacted, That there is hereby gran-

State lands. ted to the said company a right, of way over any of the lands of this State.

SEC. 7. Be it further enacted, That whenever neces-

Crossing other roads. seary to secure a suitable and convenient location, or the said company may cross, or build along the right of way of any other railroad for a consecutive distance, not exceeding in any case ten miles, or may connect its tracks with any other railroad, and said railroad or branches may be built across, or on and along any of the highways or public roads of the country, or across or along any of the streets of any incorporated town or city, through which it may be necessary or convenient to pass, or across any of the navigable waters along the line of its route or routes; Provided, that the said highways, roads and streets shall, after construction of said railroad thereon or thereover, be restored to as good condition as prac-

ticable; And provided further, That in crossing any of the navigable waters of this State, at any navigable point said company shall place a drawbridge giving a clears passage of not less than eighty feet; Provided further, That in such case the right of way shall be condemned under the forms of law as now or may hereafter be provided, or as is provided in this act, and the consent of incorporated towns and cities shall be first had and obtained to the use of the streets or alleys for such right of way before the same shall be so used or occupied.

Crossing streams.

SEC. 8. Be it further enacted, That whenever the company has located its line across the right of way or railroad tracks of any, other corporation or firm, and individual owning or operating any railroad in this State, and desires to construct its line of railroad track or tracks across said rights of way or railroad tracks, or desires to connect its track with the track of such railroad, or has located its line of railroad on the right of way of any other corporation, firm or individual, owning or operating a railroad in this State, notice of said location shall be given by the company to the corporation, firm or individual owning or operating said railroad or their agent, and if said corporation, firm or individual, after said notice refuses or fails to agree upon the compensation to be paid for the taking of said right of way, or for the crossing or connection of said railroad tracks, then the company may condemn said right of way and the crossing or connection of said railroad tracks as hereinafter set out.

Condemnation of right of way.

SEC. 9. Be it further enacted, That whenever the company desires to acquire the right to build its tracks along the right of way of any other railroad, or to build its tracks across the tracks of any other railroad, or to connect its tracks therewith, and said, right of way, crossing or connection cannot be made by agreement as provided in the preceding section, it shall file with the probate judge of the county in which said lands are situated, a petition in writing, describing the particular location that it seeks to condemn, the uses and purposes for which said right of way, crossing or connection is to be taken, or the interest or easement to be therein acquired, the name and residence of the owner if known, or if unknown must show that reasonable diligence has been used to ascertain the same, which petition must be verified by the oath of the agent or attorney of the company.

Petition for acquiring rights of way.

SEC. 10. Be it further enacted, That on the filing of the petition, the court must make and enter an order appointing a day for the hearing thereof; and if the owner of the railroad or right of way resides in the State, or has an agent in the State upon whom process can be served, as now provided by law, must issue to him notice of the application, and of the day for the hearing thereof, which must be served by the sheriff or other legal officer, at least ten (10) days before the day appointed for hearing ; if the owner be unknown or resides out of the State, and has no agent in the State upon whom process can be served, notice must be given by advertisement in some newspaper published in the county, or if there be no newspaper published in the county, by posting a notice at the courthouse door, and three other public places, for at least three weeks before the day appointed for the hearing. If the owner be an infant, or be of unsound mind, notice must be served on his guardian, if any he have, resident of the State, but if he resides in the State and has no such guardian, then upon the person who may have him in charge, or with whom he may reside; if the owner be dead, and the property is in the possession of his personal representative, notice must be served on such representative, and on the heirs at law of the deceased ; if the owner be a married woman, notice may be served on her, personally, or on her husband.

Hearing and notice.

SEC. 11. Be it further enacted, That the court must also make an order appointing three viewers, disinterested free holders of the county, who before entering upon their duties, must take and subscribe an oath, well and truly to view the right of way, crossing or connection of railroads to be condemned, and to impartially assess the compensation to be paid the owners of the property to be taken, and having taken such oath the viewers must, after notice to the parties, if a crossing or connection is to be condemned, meet at the place of crossing and inspect the same, and upon the day appointed for the hearing in the probate court, must hear such evidence, and must determine the terms and conditions upon which the company must make such crossing or connection, or upon which the company may build along the right of way to be condemned, and shall also assess the amount of damages to be paid to the owner of the franchises as

Assessing damages.

compensation for the taking and use of right of way, crossing or connection, Provided, that the right of way, connection and crossing of the railroad of any firm, corporation or individual may be condemned in the same proceeding; Provided further, that if the corporation, firm or individual whose property or franchises are condemned under this act do not own the land in fee simple upon which the right of way, crossing or connection to be condemned is located, the owner of the fee in the land must be made a party to the proceedings, with such notices as is prescribed herein, and the viewers shall assess the damages to the fee separately from the damages to the right of way, easement, connection or crossing.

SEC. 12. Be it further enacted, That the owners of the railroad over which the right of way is to be condemned, or the crossing or connection is made, and the owners of the fee in the land on which said railroad is located may plead, answer or demur to such petition, and the court must receive all legal evidence on the issues raised by the pleadings and touching the measure of damages the owners of the property will sustain, or the amount of compensation they are entitled to receive, and the viewers, or a majority of them, by their award made in writing, and filed in court, under the charge of the court, from the evidence, must ascertain and assess the damages or compensation to which the owners are entitled; on the rendition of the award the court must order the same to be recorded, and must make an order of condemnation in pursuance thereof upon the payment of the damages as compensation so awarded, making payable to the owner of the right of way, crossing or connection condemned the amount awarded by the viewers as compensation or damages for the taking of the property, franchise or easement, and to the owner of the fee simple title to the land condemned, the amount fixed by the viewers as compensation or damages for the taking of the land. Award of damages.

SEC. 13. Be it further enacted, That the hearing and trial provided for herein, must in all respects be conducted and evidence taken as in trials in civil cases at common law. Either party may appeal from the as- Appeals.

sessment of damages and compensation by the viewers to the city or circuit court of the county, within thirty days after the making of the award by the viewers and the order of the court thereon, by filing in the court rendering the judgment, a written notice of appeal, a copy of which shall be served on the opposite party, and on such appeal the trial shall be de novo; and at the next term of the court to which said appeal is taken if the service of notice of appeal is had ten days before the first day of said term; Provided, that if said appeal is taken in term time the cause shall be for trial at any time after said ten days notice of appeal shall have been given, but no appeal shall suspend the judgment if the said railroad company shall give bond in good and sufficient security, to be approved by the court, to pay such judgment as shall be rendered on appeal; Provided, that nothing in this act shall be construed to prevent either party from employing counsel to represent him, or to be present in person at any of the proceedings or trials as herein provided for.

SEC. 14. Be it further enacted, That the cost of the petition and of the proceedings thereunder, including the compensation of the viewers, who shall receive the pay of jurors, must be adjudged against the petitioner and its surety for costs, for which execution may issue, but should the petitioner tender to the owners of the property sought to be condemned, a sum of money in excess of the award of the viewers, for compensation or damages, then the costs of the proceedings shall be against the owners of the property; Provided, that the viewers shall have no knowledge of the amount so tendered, and shall certify in their award that they had no knowledge of such tender or the amount thereof.

Costs.

SEC. 15. Be it further enacted, That the probate judge and the sheriff shall be allowed the same fees as are allowed by law for similar services in the circuit court.

Fees.

SEC. 16. Be it further enacted, That the amount of compensation to which the owner of franchise; right of way, connection, crossing or fee, is entitled must not be increased or diminished because of any incidental bene-

Amount not to be increased.

fit which may accrue to him, or to his remaining lands or property, in consequence of the uses to which the property proposed to be taken, or in which an easement is proposed to be acquired, will be appropriated. Nor shall the viewers award any compensation or damages arising from the necessity or compliance with any police regulation of the State or municipal corporation because of the crossings or connections provided for herein.

SEC. 17. Be it further enacted, That the crossing provided for herein must be made over or under the tracks of the railroad over which the crossing is condemned, when practicable, and upon viewing and hearing evidence, the viewers must determine whether it is practicable for such crossing to be made over or under the railroad to be crossed, and if they find that it is not practicable to make such crossing over or under, then in addition to the award of compensation or damages for the taking of the property, they shall fix the terms and conditions upon which said crossing shall be made, at grade, by the intersection of the tracks of the, two railroads. Crossings.

SEC. 18. Be it further enacted, That upon payment of the sum ascertained, and assessed as damages and compensation, in the probate court, the order or condemnation shall vest in the petitioner the interest or easement in the property, proposed to be acquired, for the uses and purposes stated in the application, bat for no other uses and purposes. When sum has been paid.

SEC. 19. Be it further enacted, That the court of probate must be deemed always open for the filing and trial of all petitions made under this act. Court always open.

SEC. 20. Be it further enacted, That the capital stock of the company may be increased from time to time and in such amounts as the company may deem essential, or necessary to represent the cost of said railroad, its appurtenances, equipments, fixtures and other property, which said increase may be made by the board of directors, by resolution spread upon the minutes at any regular meeting of the board, or a meeting called for the purpose whenever the written Increase of capital.

consent of the holders of a majority of the capital stock issued and outstanding shall be filed with the secretary before said meeting, which written consent shall also be spread upon the minutes, and shall specify the amount of increase consented to.

SEC. 21. Be it further enacted, That the company may, at any annual meeting of the stockholders, or at any meeting called for the purpose, by a vote of the majority of the capital stock, reduce the number of directors of the company to not less than three.

Number of directors.

SEC. 22. Be it further enacted, That the location and selection of the line or lines of railway to be constructed by the company may be made by filing with the secretary of state a sectional map of the line so located, but said location shall not be effectual until an actual survey of the line or lines so located shall be made by a civil engineer, who shall certify to the correctness of the map so filed; Provided, that the location, when made as aforesaid, shall not be deemed an exhaustion of the powers of location herein conferred, or conferred under the general laws of the State, but the company may change its location as the necessity or convenience of any particular line may require; And provided further, that the company shall not be required to condemn and appropriate in the first instance all property which is needed for it in the further development of its business, but may, after the construction of its said railroad, and from time to time as its necessities and convenience may require, during its corporate existence, appropriate upon paying just compensation therefor, as hereinbefore provided, and may acquire such additional property as may be necessary or convenient in the prosecution of its business.

When location effectual.

SEC. 23. Be it further enacted, That the railway company may construct and operate a telegraph or telephone line or lines, in and along and upon all portions of its right of way of its lines and branches, both for its own use and the purpose of doing a public telegraph business on its said line or lines, or at any station thereon, but said company shall not be compelled to do a telegraph business on its said lines, or at any partic-

Telegragh lines.

ular point thereon, unless it so desires, and provided, that the right to construct such telegraph or telephone line or lines, shall not exclude any other person or corporations, to construct similar lines of telegraph or telephone lines along such right of way as now provided by law; and may maintain and operate an express line or lines on said company's road and connecting lines and branches, and may transport such property as is usually transportable by express companies, and may charge therefor reasonable rates for the risk and service performed. Express lines.

SEC. 24. Be it further enacted, That said corporation may acquire, own, use real and personal property whenever the use, acquisition and ownership of the same will enable it to add to its revenues and receipts, and for such purpose may own stock in mining and manufacturing corporations along its said lines, or that will give business to its lines of railway, and it may own and operate mines or other industries, the products of which are shipped or carried over any of its lines, and it may own shares of capital stock in other railroads that connect with any of its lines, and may exercise all the powers of the stockholders in said railroad or mining and manufacturing corporations. Holding property.

SEC. 25. Be it further enacted, That this act shall be in force from and after its passage.

Approved Feb. 21, 1893.

No. 407.] AN ACT [H. B. 329.

To confirm the incorporation and organization of the VanKirk Land and Construction Company, under the general incorporation laws of this State, and to increase and enlarge the powers of said company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organization of the VanKirk Land and Construction Company, had under the general incorporation laws of this State, and

by and under proceedings had in the probate court or Montgomery county, in and by which the said company was chartered and organized to build and construct railroads, and generally to perform all things necessary or incident thereto; to build and construct canals; to buy, sell, lease and improve real estate; to invest their money or other property or assets in enterprises which they may deem calculated to advance their interest; and to loan money or property to individuals or corporations, buying, leasing or making improvements on or near their lands; and receive certificates of stock, notes, bonds, mortgages or other security for such investment or loans, be and the same is hereby in all things confirmed.

Former charter confirmed.

SEC. 2. Be it further enacted, That in addition to the powers and authority given said corporation, by the general laws of this State as aforesaid, said company shall hereafter have the power, to purchase, buy, hold and own railroads, or shares therein; to acquire railroads by lease or other contract, and to operate the same under and in compliance with the laws of this State; to acquire and convey such real and personal property and choses in action as may be necessary or suitable to or for the successful prosecution of the business of the corporation; to erect saw-mills and manufacture lumber, or to aid other persons or corporations in so doing, either by subscription to the capital stock of said corporation, by lending money or otherwise, and generally to aid any enterprise, business or industry by subscribing for stock therein, or advancing or lending money; to secure all loans or advances made by them to any person or corporation by taking, holding or owning mortgages, pledges, or by hypothecation of real or personal property, stocks, bonds, or choses in action.

General powers.

Approved February 21, 1893.

No. 408.] AN ACT [H. B. 558.

To regulate the drawing and summoning of jurors in the county of Montgomery.

SEC. 1. Be it enacted by the General Assembly of Alabama, That the board of jury commissioners of said county at their annual meeting shall select from the male residents of the county, over twenty-one and under sixty years of age, the names of all such persons, not exempt from' jury duty, as in their opinion are fit and competent to discharge the duties of grand and petit jurors with honesty, impartiality and intelligence. Said commissioners shall prepare a list of the names so selected, stating thereon the place of residence and occupation of each person, if known to them, and shall file a certified copy of such list in a sealed envelope in the office of the judge of probate, within five days after making such selection; and said board of jury commissioners are authorized to allow the member doing the clerical work in preparing, filing and drawing the juries required, such compensation as they may deem just and proper. It shall be the duty of the judge of probate to keep such list securely, and not to allow the seal of such envelope to be broken or such list to be inspected by any one, save said commissioners, unless under an order of the judge of the circuit or city court.

Lists of jurors.

SEC. 2. Be it further enacted, That on the day when any grand or petit jury is summoned to appear in any court the court shall, out of the persons summoned and attending as grand jurors, organize a grand jury in the manner now provided by law, and out of the persons summoned and attending as petit jurors said court shall organize two petit jurors of twelve men each. If a sufficient number of those summoned for grand or petit jurors shall not attend when said juries are to be organized, or a vacancy from any cause occurs in such juries, the court shall draw from the jury box twice the number of names necessary to complete such jury, and those not taken as jurors shall be returned to the box; and when it shall become necessary to impanel a jury for any week of any court for which a jury has

Organization of juries.

not been drawn by the jury commissioners, the presiding judge of said court shall draw from the jury box thirty-six names from which such jury or juries shall be organized; and whenever it shall become necessary under this act to draw from the jury box, the court shall cause the jury box containing the names of jurors to be brought into the court-room, and, after having the same well shaken, the presiding judge then and there shall publicly draw therefrom the number of names required, a list of which shall be immediately made by the clerk of said court and an order issued to the sheriff to summon said jurors to appear, in like manner and under like penalties as now provided by law for summoning grand petit jurors in said county;

Drawing juries in court.

Provided, That when it is necessary to draw jurors from the box as herein provided, should any jurors so drawn reside more than two (2) miles from the court-house, the judge drawing said jury may replace said name in said box and draw another juror who resides within two miles of said court-house.

SEC. 3. Be it further enacted. That it shall be the duty of the sheriff, in person or by his regularly appointed deputies, to serve every summons for jurors which is issued to him by the clerk of any court, and it shall be unlawful for him to send a jury summons to any person either by mail or by hand, or in any other way than by himself or his regularly appointed deputies, and failing herein he shall be guilty of a misdemeanor.

Summoning jurors.

Approved February 21, 1893.

No. 409.] AN ACT [H. B

To fix the amount of the pay of circuit court solicitors and other solicitors who are paid by the State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That all solicitors of any court, who are to be elected, or are elected at the present session of the

General Assembly, and who are paid by the State, shall be paid the sum of two thousand and four hundred dollars ($2,400) a year in monthly payments as required by law; Provided, that in addition to the above salary, each solicitor shall receive commissions as follows: 30 per cent. on the first thousand dollars, or any part thereof, earned in fees by him over and above $2,400; 15 per cent. on the second thousand dollars, or any part thereof, so earned; and 10 per cent. on all sums earned over and above the second thousand dollars; said commissions to be paid as the salaries of solicitors are paid. In no case shall said commissions exceed the sum of $600 per annum.

Approved February 21, 1893.

No. 410.] AN ACT [H. B. 264.

To consolidate and adjust the bonded debt of the State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the governor be, and he is, hereby authorized to set on foot negotiations for the consolidation and adjustment of the bonded debt of the State, on a basis of an annual interest thereon not to exceed four per cent.

SEC 2. Be it further enacted, That this negotiation shall begin at the earliest date possible, but shall not be obligatory if the conditions of the case obstruct such consolidation and adjustment of such debt on a basis that would be just and beneficial to the State.

SEC. 3. Be it further enacted, That if the governor shall find it practicable to carry out the provisions of this act, that he and the State auditor and State treasurer shall cause to be prepared bonds, in pursuance of section 1 of this act, and not to exceed the amount of the present bonded debt of the State, and to mature at a time not to exceed fifty (60) years; and said bonds shall be made payable in the city of New York, and at the treasury of the State, on the 1st day of January

Disposition of bonds.

and 1st day of July of each year; they shall be registered on coupon bonds, as may be deemed best, and shall be signed by the governor, State auditor and State treasurer.

SEC. 4. Be it further enacted, That when said bonds shall be made ready for delivery, they shall be placed in the hands of the State treasurer, who, under the supervision of the governor, shall cause said bonds to be exchanged for the outstanding bonds of the State, in such manner and on such terms that the bonds issued under this act, shall not be disposed of at a price below their face or par value.

Exchanging bonds.

SEC. 5. Be it further enacted, That the State treasurer shall keep an accurate account of the bonds issued under this act, numbering and recording the same in a well bound book, which shall be free to public inspection.

Account kept.

Approved February 21, 1893.

No. 411.] AN ACT [H. B. 596.

To confirm and amend the charter of The Alabama Home Building and Loan Association.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation of The Alabama Home Building and Loan Association, heretofore effected under the general laws of the State of Alabama, by proceedings had in the probate court of Jefferson county, Alabama, April 13th, 1891, be and the same is hereby in all respects ratified and confirmed, and all lawful acts of said The Alabama Home Building and Loan Association, under such incorporation, are hereby ratified and confirmed.

Charter confirmed.

SEC. 2. Be it further enacted, That in addition to the powers given to said The Alabama Home Building and Loan Association, by the general laws under which said incorporation was made. It shall also have the following powers, namely: To lend the money of the

Association to its members upon such terms, for such periods, and upon such security as may be prescribed by its by-laws, such security, however, to be limited to real estate situated in the State of Alabama, and the stock of said Association; to lease and hold real estate owned by the Association, and to rent and sell such real estate on such terms and conditions as may be prescribed by the said Association. Powers.

Approved February 21, 1893.

No. 412.] AN ACT [H. B. 413.

To establish a separate school district in "Wins ton county, to be known as Union Grove School District.

SECTION 1. Be it enacted by the General Assembly of Alabama, That a separate school district, to be known as Union Grove School District, in Winston county, Alabama, be and the same is hereby established, which district shall be composed and consist of all that territory, within the following named boundaries, and including the following territory, to-wit: All of sections seven (7), eighteen (18) and nineteen (19), and the northwest quarter (N. W. 1/4) of section thirty (30), township eleven (11), range six (6), west; sections twelve (12), thirteen (13) and twenty-four (24), and all that part of sections twenty-three (23) and fourteen (14), that lies east of Brushy Creek, in township eleven (11), range (7) west, in Winston county, Alabama, making Brushy Creek the line on the west of said district. Limits.

SEC. 2. Be it further enacted, That the educational affairs of the said district, shall be under the control of a board of trustees, consisting of five persons, who shall be elected as now provided by law, for the election of township trustees; and said board shall have the same authority and power, and be governed by the same rules of law, as made and prescribed for township trustees of public schools in this State and they shall have the Board of trustees.

same privileges and exemptions as by law given township trustees.

SEC. 3. Be it further enacted, That P. G. May, C. R. Bennett, Robert A. Tucker, J. W. Walker, and Jesse Darden, be and they are hereby appointed trustees of said school district, to serve until the next regular election of township trustees in Winston county.

Trustees appointed.

SEC. 4. Be it further enacted, That this act shall go into effect from its approval, but the trustees herein appointed shall not have the right to interfere with any existing contract, made by the township trustees of said territory, or any part thereof.

When to take effect.

SEC. 5. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 21, 1893.

No. 413.] AN ACT [H. B. 460.

To enlarge and amend a charter under an act approved January 26, 1891, establishing a charter for the town of Woodlawn, in Jefferson county, Alabama.

SECTION 1. Be it enacted By the General Assembly of Alabama, That the public schools of the town of Woodlawn shall be under the charge of a board of education, to consist of the mayor of Woodlawn, who shall be chairman of the board of education, and five other persons, to be elected by the mayor and aldermen of said town. Said board of education shall exercise the powers and perform the duties hereinafter provided. Three members of the board shall be elected for a period of three years, the remaining members for a period of two years. The election of said board of education shall be on the first Monday in June, 1893, and on the first Monday in June thereafter at the expiration of each member's term of office.

Board of education.

SEC. 2. Be it further enacted, That each member of said board of education, except the mayor, shall, upon his induction into office, subscribe to an oath or affirmation to faithfully discharge all the duties imposed upon

Official oath.

him as a member of said board. Such oath may be administered by the mayor of said city.

SEC. 3. Be it further enacted, That said b education shall have power to build upon the property the city suitable houses for the use and accommodation of the public school or schools of said city, or the board may rent such houses. Said board shall keep such houses in proper repair and shall furnish the same with appropriate furniture and apparatus.

SEC. 4. Be it further enacted, That said board of education shall open a sufficient number of schools to meet the needs of the population of the town of Woodlawn, and said board shall elect a superintendent or principal of said school or schools and all teachers, and if need be elect a city superintendent of education. Said board shall fix their compensation and prescribe their duties, shall dictate the course of instruction, the number and character of the text books. Said board shall prescribe the method of teaching, the rules and regulations for the government of the schools, and shall have and exercise such additional powers as may be necessary to give it complete control of the public schools of said town. Number of schools.

SEC. 5. Be it further enacted, That the plan of instruction, and the rules and regulations adopted by said board, shall be adhered to unless altered by a vote of two-thirds of said board. And that said board shall issue diplomas to all persons who shall satisfactorily complete the course of study prescribed for the high school of said town. Pupils, &c.

SEC. 6. Be it further enacted, That the children and wards of all actual residents within the corporate limits of the said town, from seven to twenty-one years of age, shall be entitled to seats as pupils in the public schools or school of said town, upon compliance with condition to be mentioned in the following section; Provided, such children shall themselves be bona fide residents of said town, and non-resident children may be admitted into such schools on such terms and conditions as the board of education may prescribe; Provided, that separate schools shall be provided for the children of citizens of African descent. Who may be pupils.

SEC. 7. Be it further enacted, That the board of education shall have power to charge in the several Fees.

grades of said schools such incidental or other fees as may be deemed necessary for the proper conduct of said schools

SEC. 8. Be it further enacted, That it shall be the duty of the board of education, before the first Wednesday of August in each year, to prepare and file with the mayor of Woodlawn an estimate of money that will be required for the maintenance of the public school or schools of the city for the succeeding scholastic year, and for the erection and repair of necessary school buildings, and the board of mayor and aldermen for said city shall make the necessary provisions to supply the funds required in said estimate.

Estimates of money needed.

SEC. 9. Be it further enacted, That all funds devoted to public school purposes, in the city of Woodlawn, whether derived from State, county or city, shall be paid into the treasury of said city, and shall be disbursed in such manner as the board of education may direct.

Funds.

SEC. 10. Be it further enacted, That the board of education shall have authority to create a board for the examination of applicants for positions as teachers in public schools in the town of Woodlawn, and no person shall be elected as a teacher in such schools who shall not have received a license from such board.

Examination of teachers.

SEC. 11. Be it further enacted, That the board of education may, in its discretion, institute annual competitive examinations before such persons as the board may select for applicants for positions as teachers in the public schools of said city, including licensed teachers in such schools who are applicants for re election as teachers.

Examinations.

SEC. 12. Be it further enacted, That the jurisdiction of police in the said town of Woodlawn, shall extend two miles each way beyond the city limits of said town, and that the police of said town shall have authority to make arrests at the Union depot in the city of Birmingham, Alabama, for offenses committed in said town of Woodlawn.

Police jurisdiction.

SEC. 13. Be it further enacted, That the mayor and aldermen of said town be clothed with the authority to establish a system of sanitation for said town and provide revenue for the purpose of maintaining and operating a sanitary system by the collection from each heads of families within the corporate limits not more than two dollars per annum, and to better maintain said system of sanita

Sanitation.

tion, said board of mayor and aldermen may pass penal ordinances enforcing such sanitary regulations as may be provided.

SEC. 14. Be it further enacted, That section 3 of said act establishing a charter for said town be so amended as to fix the term of office of mayor and aldermen of said town for two years; Provided, that in the next election of mayor and aldermen of said town, to be held on the first Tuesday of March next, that the mayor and aldermen elected under this election, shall hold their respective offices until the second Tuesday in July, 1895, and that thereafter the election for mayor and aldermen of said town shall be held on the first Tuesday in July every two years in place of the first Tuesday in March annually, as now provided by said charter, and that said mayor and aldermen so elected shall be duly sworn into office, by any officer authorized to administer oaths, on the second Tuesday following of July. Terms of office

SEC. 15. Be it further enacted, That said section 3 be so amended and enlarged that in case the mayor or any number of aldermen are candidates for re-election, that aldermen who are not candidates, in conjunction with the clerk and treasurer, shall count the vote and declare the result; that the vote for election of mayor and aldermen, to be held on the first Tuesday in March next, shall be counted and the result declared on the following Wednesday, and on the following Thursday thereafter the mayor and aldermen so elected shall be sworn into office by any officer duly qualified to administer oaths ; that at the next election thereafter for mayor and aldermen of said town the vote shall be counted and the result declared on the first Thursday after the election on the first Tuesday in July. Conducting elections.

SEC. 16. Be it further enacted, That all regulations necessary to the holding of a municipal election for mayor and aldermen of said town, shall be provided and adopted by the municipal authorities.

Approved February 21, 1893.

No. 414.] AN ACT [H.B.532.

To amend an act entitled an act to provide a fund for the payment of witnesses for the State and other officers, in State cases, in Jackson county, and to prescribe their compensation, approved March 1, 1881.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to provide a fund for the payment of witnesses for the State and other officers, in State cases, in Jackson county, and to prescribe their compensation, approved March 1, 1881, be amended to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That all judgments ren-

How paid. dered by the court of Jackson county, for fines, or for forfeitures of undertakings of bails, or recognizances that may become payable after the passage of this act, shall be paid, one-half in money, and the other half in money or in duly registered claims against the fine and forfeiture fund of said county, in the order of registration; Provided, that claims which have been duly registered for more than ten years shall be received without regard to date of registration.

SEC. 2. Be it further enacted, That all moneys arising from the hire of county convicts, except for costs of conviction, and all moneys collected on judgments of any court of said county for fines and for forfeitures shall be

Disposition of funds. paid into the fine and forfeiture fund of said county, and any officer collecting any such moneys is hereby required to pay the same to the treasurer of said county, to the credit of said fund, and to take duplicate receipts therefor; one of said receipts shall be, by the next succeeding term of the circuit court, filed with the judge of probate, who shall record the same in a suitable book, to be kept for that purpose, and carefully preserve such receipts; and any officer collecting any of said moneys shall, by the next succeeding term of the circuit court, file with the judge of probate a statement thereof, under oath, setting forth from whom and how much collected, and what disposition they have made of the same.

SEC. 3. Be it further enacted, That after the passage of this act, witnesses for the State in said courts, includ-

Witness fees. ing witnesses before the grand jury, shall receive one dollar per day and three cents per mile from and to their

residence, by the route usually traveled, and all necessary ferriages and tolls; but a witness attending in more than one call, in the same case and on the same day, shall be entitled to compensation for one call only; all the officers in such cases shall receive the fees prescribed by law.

SEC 4. Be it further enacted, That upon the discharge of a witness before the grand jury, and upon the trial or continuance of any case in the court, the foreman of the grand jury or the clerk of the court, as the case may be, shall, upon the application and oath of the witness, issue to him a certificate setting forth the style or number of the case, that he was a witness for the State, and the compensation to which he is entitled, and shall keep a record thereof; and at the discharge of the grand jury, the foreman must furnish to the clerk a certified list of all certificates issued by him as aforesaid, showing to whom issued and the amount due to each witness. Certificates.

SEC. 5. Be it further enacted, That immediately after the adjournment of each term of the court the clerk shall enter in a book to be kept by the treasurer, a certified list of all witness certificates issued during such term to witnesses for the State, by the clerk and by the foreman of the grand jury, showing the order by date in which they were issued, to whom issued, and for what amount; and for making such list the clerk shall receive two cents for each certificate described therein, to be paid by the treasurer out of said funds. Lists of certificates.

SEC. 6. Be it further enacted, That on the completion of said list, the book containing the same shall be returned to the treasurer, whose duty it shall be to keep the same, subject to the inspection of any citizen of the county; and the witness certificates described therein shall be paid in the order of their registration, except as herein otherwise provided; and when any certificate is paid the fact of payment, with the date thereof, shall be entered on said book, and the certificate shall be surrendered by the holder and cancelled by the treasurer. Book kept by treasurer.

SEC. 7. Be it further enacted, That whenever the costs in a criminal case in said county are imposed on the defendant, or the prosecutor, or the foreman of the grand jury, the fees due the witnesses for the State, and to officers in such cases, shall be taxed as costs, and when collected the same shall be paid into the hands of the clerk,

who shall disburse the same to the persons and officers entitled thereto, taking proper receipts; but witness fees in such cases shall be paid only on the surrender or production of the certificate, and if paid in full such certificate shall be surrendered to the clerk and by him cancelled across the face thereof with ink, but if paid only in part, the clerk shall endorse thereon, with ink, the date and amount of such payment, and to each such endorsement, whether by cancellation or payment in part, the clerk shall affix the date and sign his name. If a certificate be paid only in part, the residue shall remain a claim against the fine and forfeiture fund. The clerk shall keep a correct record of the certificates so paid in whole or in part, and he shall, at least twice in each year, enter in the book kept by the treasurer, as contemplated by section five of this act, opposite the record of any certificate so paid and cancelled by him, the fact and date of such payment and cancellation, or the fact and date of such partial payment, stating the amount paid thereon, and in all cases sign his name thereto; and said clerk shall then deliver to said treasurer the certificate so paid and `cancelled, taking said treasurer's receipt therefor, specifying the name of the witness and the number and amount of each certificate. The clerk shall receive two cents for each certificate so paid and cancelled and delivered to the treasurer, to be paid out of said fine and forfeiture fund.

Costs in criminal cases.

SEC. 8. Be it further enacted, That witnesses in the county court shall receive compensation as fixed by this act, and witnesses for the State in said county court shall be paid as provided by sections 4887 and 4889 of the Code of 1886. This act does not apply to justices' courts.

In county count.

SEC. 9. Be it further enacted, That whenever any officer shall receive, in part payment of any fine or forfeiture, as provided in section one of this act, claims against said fund, he shall at once endorse such claims so as to show from whom received and on what account, and shall date and sign his name thereto; and said claims so received shall be delivered to the treasurer, who shall receipt for the same, describing them by name, number and amount, and mark the same paid on the register of claims against said fund. It shall be no objection to any such claims that they are certified by the clerk of the

Claims against fund.

circuit court, or issued on the order of the court of county commissioners. Any such claim amounting to one hundred dollars or more maybe surrendered to and cancelled by the judge of probate, and warrants therefor in fractional parts against said fund issued by him to the holders of such claims, which warrants shall bear the date and number of the original as to registration, and shall show also the actual date of issue, and that they are issued in lieu of a certain claim, designated by number and date of registration. Such warrants shall take the place of the original claim, and shall be receivable in payment of fines and forfeitures, as provided in the first section of this act. All claims so surrendered and cancelled by the judge of probate shall be by him delivered to the treasurer, who shall receipt for the same, describing them by name, number and amount. For each warrant so issued by the judge of probate he is entitled to a fee of twenty-five cents, to be paid by the person applying for the same.

SEC. 10. Be it further enacted, That it shall be the duty of the treasurer, during the first three weeks in January and July of each year, to give notice by publication once a week for three successive weeks in some newspaper published in said county, to all persons holding registered State witness claims included in the number designated in said notice, to present the same to said treasurer for payment within six months from the first day of February or July next thereafter, as the case may be, and if not so presented the same shall be barred, and shall be so marked on the register of claims. Such notice may be substantially as follows: Notice to holders of claims.

" The State of Alabama, Jackson county: Notice is hereby given to all holders of State witness claims from No.——— to No.———inclusive, to present the same at my office for payment within six months from the first day of February or August (as the case may be) next, or they will be forever barred. ——————"

SEC. 11. Be it further enacted, That if at any time there should be a surplus in said fund after paying the registered claims of State witnesses, such surplus shall be applied to the payment of officers' claims, as provided by 4895 of the Code of 1886. Surplus.

Approved February 21, 1893, at 7 o'clock p. m.

No. 415.] AN ACT [H. B. 439

To require the tax assessor and tax collector of Franklin county to separately assess and collect the poll tax for the town of Russellville.

Section 1. Be it enacted by the General Assembly of Alabama, That the tax assessor of Franklin county, each year, while making his assessment, shall ascertain what persons liable for poll tax, reside in the corporate limits of the town of Russellville, and the fact of such residence he must note in the poll tax book opposite such persons name, and also on the assesment list of such poll tax payer, and he shall also note in the poll tax book, the number of poll tax payers of each race in the corporate limits of Russellville.

SEC. 2. Be it further enacted, That the tax collector of Franklin county shall keep a separate account of the amount of poll tax paid by persons residing within the corporate limits of Russellville as assessed by the assessor, and the amount paid by each race in said corporation; and he is required to furnish a statement of the same to the State treasurer at the time he pays the same to him.

Separate accounts kept.

SEC. 3. Be it further enacted, That all other laws with regard to such tax assessors and tax collectors not in conflict with this act shall remain in force, and said officers are required to carry out the provisions of this act under the penalties of their respective bonds.

Approved February 21, 1893.

No. 416.] AN ACT [H. B. 551.

To ratify and confirm the charter of the McCormick-Kendall Grocery company, incorporated in Barbour county under the general laws of the State of Alabama, and to change the name of the same to Eufaula Grocery company.

Section 1. Be it enacted by the General Assembly of Alabama, That the charter issued on the 8th day of July, A. D., 1890, by the probate Judge of Barbour county, Alabama, as is shown by his certificate of that date, cer-

Charter confirmed.

tifying under the general laws of incorporation of this State, that the McCormick-Kendall Grocery company has been in all respects duly organized as a corporation under the general laws of the State, be and the same is hereby ratified and confirmed.

SEC. 2. Be it further enacted, That the name of said company be and the same is hereby changed to that of the Eufaula Grocery company, and that all the rights, powers, franchises and privileges heretofore possessed and enjoyed by such company shall be possessed and enjoyed by said Eufaula Grocery company, and that the rights and powers of the McCormick-Kendall Grocery company to buy, sell, deal in and trade in goods, wares, merchandise, chattels and commodities, and to conduct, carry on, maintain and do a merchandising business as a mercantile enterprise, as a corporation, and as such to buy, own, sell, mortgage and deal generally in such real and personal estate as may be necessary for it to buy, own, sell, mortgage or deal in, in the successful prosecution of its business, and, also, to buy and sell goods, wares, merchandise, and commodities for cash or on credit as it may see fit, and to have and enjoy all rights and powers usually belonging to business corporations, not inconsistent with the powers hereinbefore enumerated or specified, shall be held, possessed, used and enjoyed by the Eufaula Grocery company, and in such name it may sue and be sued; and all notes, mortgages, accounts, evidences of debt, demands and claims of every kind and description, now belonging to or in favor of the McCormick-Kendall Grocery company may be used or enforced, collected, demanded or recovered in the name of the Eufaula Grocery company, and all rights, property, effects and assets now possessed by or belonging to said McCormick-Kendall Grocery company shall belong to and be possessed and enjoyed by the Eufaula Grocery company.

Name changed

Rights and powers.

Approved February 21, 1893.

No. 417.] AN ACT [H. B. 1.

To authorize the probate judge of DeKalb, Limestone and Crenshaw counties, to call a special school board of education to select a uniform series of standard school books to be used in the public schools of DeKalb, Limestone and Crenshaw counties, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the judge of probate of DeKalb, Limestone and Crenshaw counties, shall call together by letter, to convene at his office, a meeting of a special school board, to be composed of four of the most thorough and efficient school teachers in DeKalb, Limestone and Crenshaw counties, to select a uniform series of standard school books, to be hereafter used in the public schools of said counties; Provided, further. That the judge of probate shall be ex-officio a member of said school board of education and that he shall call said board together for the purpose aforesaid within ninety days from the passage of this act.

Board to be convened.

SEC. 2. Be it further enacted, That each member of said special board of education, while engaged in the business aforesaid, shall be compensated in consideration of his services out of any funds in the county treasury, one dollar a day, and shall be paid for mileage the same amount as is allowed each of a grand jury.

Pay of members.

SEC. 3. Be it further enacted, That the probate judge of said counties, shall correspond with publishing houses of standard school books, for prices; and on the convening of said special board of education, shall submit to it the different prices, received by him for different publishing houses of standard school books; which books are to be purchased by parents and guardians of children from said dealers and publishing houses, as they shall be needed.

Getting prices of books.

SEC. 4. Be it further enacted, That said special school board of education, at a meeting to be held for the purpose aforesaid, shall be and it is hereby authorized to make such selections of standard school books, as in its judgment it may think best; but should all the school board not attend such meeting, then it shall devolve on those who do attend said meeting, to make a selection of standard school books for the counties aforesaid.

Selections of books.

SEC. 5. Be it further enacted, That the judge of probate of said counties in corresponding with publishing houses for prices of standard school books, shall ascertain from said publishing houses, what they or any of them will allow in exchange for old school books, if anything. Exchange of books.

SEC. 6. Be it further enacted, That after the expiration of six months from the date of such selection, no other standard school books shall be used in the public schools of DeKalb, Limestone and Crenshaw counties; except those which shall have been selected as provided for in this act. No other books used.

SEC. 7. Be it further enacted, That after the expiration of six months from the date of selection of said books, it shall be unlawful for the county superintendent of education of DeKalb, Limestone and Crenshaw counties, to pay or cause to be paid any money appropriated by this county or State for the use of public schools, to any teachers who fails or neglects to use in his school such series of standard school books, as shall have been selected as aforesaid. Neglect to use books.

SEC. 8. Be it further enacted, That after a uniform series of standard school books shall have been selected, the judge of probate by a notice in the Fort Payne Journal or any other newspaper published in said counties, shall so state it, recommending such uniform series of standard school books, to be used in the public schools of DeKalb, Limestone and Crenshaw counties, naming the time when said bill shall go into effect, as provided for in this act, and make any other suggestions he may deem necessary. Judge to give notice.

SEC. 9. Be it further enacted, That said board of education be and it is hereby authorized to select a uniform series of standard school books to be used in the public schools of DeKalb, Limestone and Crenshaw counties for a period of time of not less than four years from the date this act shall have gone into effect.

SEC. 10. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same shall be hereby repealed, when this act shall have gone into effect.

Approved February 21, 1893.

No. 418.] AN ACT [H. B. 452.

To provide for and regulate the pay of State witnesses in Tuskaloosa county.

Section 1. Be it enacted by the General Assembly of Alabama, That one half of all the fines and forfeitures collected in the circuit and county courts, or any other courts of Tuskaloosa county, and all the proceeds of the hire of all county convicts of Tuskaloosa county, is hereby set apart and appropriated to the payment of witnesses for the State in all criminal prosecutions in said courts. Clerk of the circuit court and sheriff who shall be summoned and required to appear in criminal prosecutions after the approval of this act. The remaining one-half of the fine and forfeiture fund shall be held to pay uresent outstanding claims against said fund, as now provided by law.

Amount set apart.

SEC. 2. Be it further enacted, That witnesses for the State in all criminal prosecutions, in said courts shall be entitled to one dollar per day, and three cents per mile actually traveled by the most direct route in going to court and returning home.

Fees.

SEC. 3. Be it further enacted, That the clerk of the circuit and county courts must provide a docket or book of registry in which he must enter the names of every witness to whom a certificate is issued, and must enter therein the date and number of every certificate, and if known, the name of every defendant against whom said witness was called and appeared. During the sitting of the grand juries in said courts, the foreman of the grand jury shall keep said book and make therein the entries required of the clerk of the court when he issues a certificate to a State witness, the foreman of every grand jury empanelled in said court shall have the right, and they are required to issue to every witness summoned and required to appear before said grand jury, a certificate showing the mileage and per diem due every such witness; Provided, That the foreman shall not, in cases where the solicitor is of the opinion that it is not proper to enter the name of the defendant or person against whom said witness was called upon said book, or make any entry that would disclose that fact.

Registry of witnesses.

SEC. 4. Be it further enacted, That every certificate

issued in accordance with the provisions of this act, must be paid on presentation to the county treasurer or custodian of the funds, with the endorsement on the back of said certificate by the witness to whom said certificate was issued, and the treasurer or person who pays said certificate shall cash same, and upon the adjournment of the court the clerk shall deposit said book with said treasurer or custodian, who shall keep the same till the next court, and must enter therein opposite each registry of certificate the day it was paid. Certificates to be paid.

SEC. 5. Be it further enacted, That any witness attending on the same day as a witness for the State in more than one case or proceeding shall only be entitled to compensation in one case, and whenever a witness has attended as a witness for the State on the same day, in more than one case the court may direct in which case a certificate may be issued, or may apportion the whole account due said witness, as may appear right to the several cases in which said witness has attended. Pay in one case only.

SEC. 6. Be it further enacted, That the amount of all State witness certificates issued in any case, must on conviction of the defendant, be taxed against the defendant; and collected of him as other costs, as is now provided by law, and shall be paid into the county treasury to the credit of the fine and forfeiture fund. Taxing costs.

SEC. 7. Be it further enacted, That all fines and forfeitures assessed or imposed by the courts of Tuskaloosa county, shall be collected by the officer whose duty it is to make such collections; same to be collected in lawful money of the United States, and none other, and shall pay the same into the county treasury to the credit of the fine and forfeiture fund. Collection of fines.

SEC. 8. Be it further enacted, That when any convict is sentenced to hard labor for the county to pay the fine and costs, the hirer of such convict shall pay to the proper officer the costs due the State's witnesses, and officers of the court, which accrued in such conviction in behalf of the State in advance, and such sum shall be placed to the credit of the fine and forfeiture fund, and shall be disbursed by the treasurer, or person acting as such according to tlie provisions of this act. Convict hire.

SEO. 9. Be it further enacted, That all lawB and parts of laws coming in conflict with the provisions of this act,

be and the same are hereby repealed, so far as they may relate to Tuskaloosa county.

Approved February 21,1893.

No. 419.] AN ACT [h. B. 540.

To authorize the court of county commissioners of Pike county to build and maintain line fences between Pike and such adjoining counties in which stock are permitted to run at large.

Section 1. Be it enacted by the General Assembly of Alabama, That the commissioners court of Pike county be and is hereby authorized to have constructed and maintained a line fence between Pike county and such portions of adjacent counties in which stock are permitted to run at large. Said line fences are to be constructed under the same rules and regulations controlling the construction of bridges and other public works; and the expenses of building and maintaining said line fences, are to be raised under the provisions of an act to authorize the court of county commissioners of Pike county to lay a special tax in any such stock district as is now established, or that may hereafter be established within said county for the purpose of building and maintaining line fences for such districts, approved February 13th, 1889.

Line fences.

Be it further enacted, That all laws in conflict with the provisions of this bill, be, and are hereby repealed.

Approved Feb. 21st, 1893.

No. 420.] AN ACT [H. B. 557.

To provide for the permanent location of the county site of Shelby county by the vote of the people of said county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the probate judge of Shelby county, State of Alabama, to order an election to be held in said county on the first Monday in February 1894, for the purpose of permanently locating the county site of said county, and said election shall be held in the manner and under the same rsstrictions and penalties as are now provided by law for the election of members of the General Assembly. Election ordered.

SEC. 2. Be it further enacted, That each voter shall have written or printed on his ticket the name of the place at which he desires the county site to be permanently located, and it shall be the duty of the board of supervisors to count and compare all the votes polled, and if any place shall have received a majority of all the votes polled, they shall declare such place the permanent county site; but if no place shall have received a majority of all the votes polled, then it shall be the duty of the probate judge in like manner as before to order a second election to be held on the first Monday in May, 1894, at which election the vote shall be taken between the two places which shall have received the highest and the next higest vote at the first election, and the majority of the votes cast at said election shall determine the question of the permanent location of the county site of Shelby county at the place which shall have received the majority of all the votes cast at said second election. Ballots. Second election.

SEC. 3. Be it further enacted, That if a majority of all votes cast at either of said elections shall determine the removal of the county site of said county from its present location, then and in that event the court of county commissioners shall appoint five free holders of said county whose duty shall be to select the most suitable location for the erection of the court house and Selection of location.

other public buildings within one mile of the place chosen as the permanent county site, and to receive by donation a free simple title to and in any lots or land so as to vest the title in the county of Shelby.

SEC. 4. Be it further enacted, That in the event of the removal of the county site from the present loca-
Sale of lands. tion, then it shall be the duty of the court of county commissioners to sell all lands and other property belonging to the county at the present county site, and to use the proceeds in the erection of the new public buildings, and they are hereby authorized and empowered to execute deeds to said property; Provided, that nothing herein contained shall prevent said commissioners from using any of said property in the erection of the new buildings; Provided, that in the event Calera is chosen in either of said elections, the court house shall remain at Columbiana until suitable public buildings have been erected by and at the expense of the city of Calera, and accepted by the court of county commissioners of Shelby county.

SEC. 5. Be it further enacted, That the managers
Pay for holding- and clerks of the election provided for in this act, shall
ing election. receive no compensation for their services in holding said election except the returning officers, who shall be entitled to the same compensation for their services as they are allowed in other elections.

Approved Feb. 21, 1893.

No. 421.] AN ACT [H. B. 752.

To reduce and regulate the payment of ex-officio fees so far as the same relates to Lamar county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act, that the compensation allowed the sheriff, the clerk of the circuit court and the judge of probate of Lamar county, Alabama, for the performance of those duties required of them for which there are no fees fixed by

law, shall on proof to the court of county commissioners, that they have performed all the said duties required of them be as follows:- To the sheriff two hundred dollars per annum for all duties which there are no fees fixed by law, and to the clerk of the circuit court, and to the judge of probate, one hundred and fifty dollars per annum for all duties which there is no fees fixed by law. Amounts.

SEC. 2. Be it further enacted, That the said compensation shall be paid semi-annually, one half at the February meeting, and the other at the August term of the commissioners court of said county by warrant on the county treasurer. How paid.

SEC. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved Feb. 21st, 1893.

No. 422.] AN ACT [H. B. 857.

To amend section one (1) of an act to establish partial stock law districts in Talladega county, approved February 21, 1887.

Section 1. Be it enacted by the General Assembly of Alabama, That section one (1) of an act to establish partial stock law districts in Talladega county, approved February 21, 1887, be amended so as to read as follows:

SECTION 1. Be it enacted by the General Assembly of Alabama, That ten days after the passage of this act, no hogs, sheep or goats or calves, shall be allowed to run at large in beats or precincts, 4, 6, 9,10, 12, 17, in Talladega county.

Approved February 21, 1893.

No. 423.] AN ACT [H. B. 884.

To regulate the taking up of stock in districts, where stock of any kind is prohibited by law from running at large therein, in Wilcox county.

Section 1. Be it enacted by the General Assembly of Alabama, That when stock of any kind is found running at large in districts established by law in Wilcox county, to prohibit stock of any kind from running at large therein, any person who resides in such district may take up such stock, and for taking up, keeping and feeding the same, shall be entitled to the following fees per day: For every animal of the horse, mule or ass kind, twenty-five (25) cents, for every animal of the cow kind, fifteen cents, for every animal of the sheep, goat, or hog kind, ten cents.

Fees.

SEC. 2. Be it further enacted, That when stock of any kind running at large has been taken up, the owner or his legal agent may claim and take the same upon the payment of the damages, done to the person taking up the stock, and also, the fees that may be due for taking up, keeping and feeding the same, and if the owner of the stock refuses to pay the damages claimed, the person taking up the stock may report the same to a justice of the peace or notary public, for adjudication, and such justice of the peace or notary public must forthwith issue a summons to the owner of the stock, to appear before him on a day set for the trial, to answer the complaint of the person taking up the stock, and also issue subpoenas to the witnesses, and proceed with the trial as is now provided by law for the trial of other cases, and he shall be entitled to one dollar for the trial and the regular fees now allowed by law for issuing summons and subpoenas for witnesses, and the constable shall be entitled to the same fees as is now allowed by law for executing summons and subpoenas in civil cases.

Damages.

SEC. 3. Be it further enacted, That when stock of any kind has been taken up in a district where it is unlawful for stock to run at large, and the same is not

claimed within five days, then person taking up such stock must proceed to sell the same at public outcry to the highest bidder, for cash, after giving ten days notice of the time and place of sale, together with a description of the stock to be sold, with the marks and brands of the same, and posting the same at three or more of the most public places in the beat or district, where such stock has been taken up; Provided, that this section shall not apply to any animal of the horse, mule, or ass kind, and when any animal of the horse, mule or ass kind is not claimed within five days, the taker up must proceed to estray the same as now provided by law in estray cases.

Sale of stock.

Estrays.

SEC. 4. Be it further enacted, That when stock of any kind is sold as provided for in section three of this act, the proceeds of such sale shall be applied first to the payment of the damages, and for the taking up, keeping, feeding, and selling such stock; secondly, the overplus must be paid to the county treasurer within ten days from the day of sale of such stock.

Proceeds of sale.

SEC. 5. Be it further enacted, That any person who sells stock as provided for by section three of this act, who fails to pay over the money occurring from the net sale of stock, sold by him to the county treasurer within ten days after such sale shall be guilty of a misdemeanor, and on conviction thereof, must be fined not less than double the amount of the net sale of the stock sold, nor more than one hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not over twelve months, at the discretion of the court trying the case.

Failure to pay over money.

SEC. 6. Be it further enacted, That when stock of any kind has been sold and the net proceeds of the same has been paid to the county treasurer, it shall be his duty to keep the same separate from other funds of the county for twelve months, and if the owner of the stock sold as provided in section three of this act, fails to claim and make proof of his stock sold before the expiration of twelve months, said amount shall then belong to the general fund of the county, and the claim of the owner thereof shall be forever barred.

Disposition of money.

SEC. 7. Be it further enacted, That any person claiming and making proof that he is the lawful owner of any stock sold as provided for in section three of this act before a justice of the peace or notary public who resides in the beat or district where stock has been sold, it shall be the duty of the justice of the peace or notary public to give the owner of the stock claimed and proven a certificate stating that satisfactory proof has been made before him, that owner is entitled to the amount paid to the treasurer, and he must pay the amount certified to out of said funds, less his commissions as is now allowed by law, for receiving and paying out money belonging to the county; Provided, that the justice of the peace or notary public shall be entitled to the sum of one dollar for having the proof and making out the certificate to be paid by the owner of the stock.

Payment to owner.

SEC. 8. Be it further enacted, That any person who takes up stock of any kind, running at large in districts where it is unlawful for stock to run at large, shall be liable for any damage done to such stock by the willful or wanton neglect on the part of the person taking up such stock.

Damage to stock.

SEC. 9. Be it further enacted, That the owner or any other person who goes to the place where the person taking up stock, as provided in section one of this act, and turns such stock out of the enclosure provided for the safe keeping of the same, without the knowledge or consent of the taker up of such stock, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding twenty dollars, or imprisoned in the county jail or sentenced to hard labor for the county for not over thirty days, at the discretion of the court trying the case.

Penalty for turning stock loose.

SEC. 10. Be it further enacted, That all laws and parts of laws in conflict with this act in Wilcox county are hereby repealed.

Approved February 21, 1893.

No. 424.] AN ACT [H. B. 320

To amend section one thousand and ninety-five (1095) of the code of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That section one thousand and ninety-five of the code of Alabama, be and the same is hereby amended so as to read as follows:

1095 (1320). Clothing for indigent pupils. In all cases where the parents of pupils sent to the institution are too poor to furnish them with good and sufficient clothing, or when the pupils are without parents and are unable, to furnish themselves with clothing, the judge of probate of the county from which they are sent shall certify the same to the principal of the institution, who shall procure the necessary clothing and charge the same to the county, and at the end of each scholastic year of said institution, present a verified, itemized account for such clothing to the court of county commissioners of the county from which such pupil is sent, and it shall be the duty of said court of county commissioners at the first term after the presentation of such amount to audit and allow the same, and direct the issuance of a warrant on the county treasury for the payment of such allowance, which said warrant shall be a preferred claim against the general fund of the county, and shall be receivable in payment of taxes or licenses due the county; Provided, that in the auditing and allowing of such account thirty dollars per capita for each scholastic year shall be the maximum of such allowance. Clothing.

SEC. 2. Be it further enacted, That said section one thousand and ninety-five (1095) of the code of Alabama as the same now stands be, and the same is, hereby repealed.

Approved Feb. 21, 1893.

No. 425.] AN ACT [H. B. 883.

To amend an act entitled an act to incorporate the city of Girard, Russell county, approved December, 1890.

Section. 1. Be it enacted by the General Assembly of Alabama, That section three of an act entitled an act to incorporate the city of Girard, Russell county, approved December 8, 1890, be and the same is hereby amended so as to read as follows: Section 3. Be it further enacted that the city of Girard shall be divided into six wards, and each ward shall be entitled to one alderman; said alderman residing within the limits of their respective wards and shall be elected as hereinafter provided.

Wards.

SEC. 2. Be it further enacted, That section four (4) of said act be and the same is hereby amended so as to read as follows: Section 4. Be it further enacted, That the mayor and alderman of the city of Girard shall have full power and authority to lay off said city into six wards, and declare and fix the boundaries and limits of the same and alter such limits at their discretion.

Wards laid off.

SEC. 3. Be it further enacted, That section six (6) of said act be and the same is hereby amended so as to read as follows : Section 6. Be it further enacted that the mayor and aldermen and additional officers of clerk and treasurer shall be elected by ballot by the qualified voters of said city in the manner hereinafter provided.

Elections.

SEC. 4. Be it further enacted, That section eight (8) of said act be and the same is hereby amended so as to read as follows: Section 8. Be it further enacted, That in the event of any municipal election in and for said city of Girard shall be contested it shall be contested before the probate judge of Russell county; Provided, statement thereof be made and filed with said probate judge, and notice thereof given to the person or persons whose elections are so contested within fifteen days next succeeding the counting of the vote of such election, and such statement of the grounds of contest and notices thereof, and the conduct and trial of such contest, shall be governed by and conform to the genera] law governing contests of elections before probate judges in this State.

Contests.

SEC. 5. Be it further enacted, That section nine (9) of said act be and the same is hereby amended so as to read as follows: Section 9. Be it further enacted, That either

party to such contest shall have the right to appeal from the decision of said judge of probate on such contesta Appeal. tions to the circuit court of Russsell county, Alabama, by giving bond and security for the costs of the contest and appeal, the amount and conditions of such bond to be fixed by the probate judge, but in no case shall it be less than double the amount of costs accrued at the time of the taking of appeal; and if on appeal, the bond shall at any time become insufficient in amount or security, the court shall have power to require the appellant to execute a new bond.

SEC. 6. Be it further enacted, That section twelve (12) of said act be and the same is hereby amended so as to read as follows: Section 12. Be it further enacted, That in addition to other powers and jurisdiction herein Powers of given, the mayor shall have, within the corporate limits, mayor. all the powers and jurisdiction of a justice of the peace in all prosecutions and preliminary examination for violation of the city or State laws, and may try and determine, examine, commit, bail or bind over to wait the action of the grand jury, as provided by the laws of the State.

SEC. 7. Be it further enacted, That section fifteen (15) of said act be, and the same is, hereby amended so as to read as follows: Section 15. Be it further enacted, That the marshal and police officers of said city are hereby Police. appointed ex officio constables of this State within the city of Girard, and as such are authorized to preserve the peace an^ arrest any person with or without warrant for any violation of the ordinances o1' by-laws of said city or of the State, as other peace officers of the State are authorized to do, and they are authorized to execute all process to them directed and for the purpose of performing their duties they are empowered to call to their aid any and all citizens. They are entitled to exemptions, privileges and protection given by law to constables and peace officers of the State.

SEC. 8. Be it further enacted, That in addition to the other powers herein granted, the mayor and aldermen of the said city shall have the following: To regulate the sale of vinous, spirituous or malt liquors; to pun- General powish by ordinances properly enacted, any offense pun- ers. ishable by any law of the State of Alabama that may

be committed within the city; to grant rights of way through the streets or through any property of the town, to street or other railway companies, gas or electric light companies, telephone or telegraph companies, and for all other enterprises of a public character having for their object the convenience or comfort of the public; and the mayor and aldermen of said city shall have, in addition to all other powers herein given, all power and authority given by title fourteen, of part one, of the Code of Alabama to the authorities of towns incorporated under the general laws of the State in all cases where such power and authority shall not conflict with any express provisions of this charter, and the board may pass ordinances punishing any violations of this charter or by-laws and ordinances of said town by fine not exceeding one hundred dollars, and imprisonment for a term not exceeding six months, one or both, at the discretion of the mayor trying the case. They shall have authority, and it shall be their duty, to employ a marshal and police officers, a city attorney, a tax assessor and collector, but the clerk may discharge the duties of asssessor and collector if the board shall so elect, but must give a separate and sufficient bond for the faithful performance of such duties; and such officers shall serve one year unless sooner removed. The board shall not have power to increase the salary of any officer of the city during the term he may have been elected to serve; and the board may provide for and have published a code of the city laws.

Subordinate officers.

SEC. 9. Be it further enacted, That section fourteen (14) of said act be and the same is hereby amended so as to read as follows: Section 14. Be it further enacted, That a majority of the aldermen shall constitute a quorum, and in the absence of the mayor at any meeting of the board, any alderman selected by a majority of those present shall preside as mayor pro tempore, and in the absence of the mayor from the city, or his inability to attend court, such alderman shall have power to try and determine cases and punish offenders as the mayor has; a majority of the quorum may pass all ordinances and by-laws necessary and

Meeting of council.

proper to carry into effect the power conferred on the city of Girard by this charter and by the laws of the State. No ordinance shall be put upon its passage until it shall have been read at length at two different meetings of the board, nor shall any ordinance passed by the board become a law until the same has been published in two issues of some newspaper published in said town, or if no newspaper is published there, then by posting written or printed copies of such ordinances at one public place in each ward of the city for ten days; Provided, that in case of the prevalence or danger of the spread of any epidemic or contagious disease, this provision shall be suspended as to the laws for preventing such epidemic or disease from entering or spreading in the city, and all such ordinances shall become laws immediately on their passage and being posted in each ward of the city. The style of ordinances shall be: "Be it ordained by the mayor and aldermen of the city of Girard;" no ordinance shall contain more than one subject, which shall be clearly expresed in its title. No ordinance shall be passed at a special meeting of the board unless the meeting shall be advertised by the mayor and clerk, and notice of such ordinance be given by its title in such advertisement by written notices posted in one public place in each ward for at least ten days before the meeting of the board, except in cases of quarantine and health laws as hereinbefore provided. All ordinances, resolutions and by-laws shall be presented to the mayor or alderman acting for his approval, and he shall endorse upon it "approved," and sign his name thereto attested by the clerk; Provided, that in case the mayor shall refuse to approve any ordinance it may be passed and become a law by a two-thirds vote of a quorum of the board, and in such cases the signature of two-thirds of the quorum present under the word "approved", endorsed on such ordinance shall make it effective as a law on its publication as hereinbefore provided.

Ordinances.

SEC. 10. Be it further enacted, That in addition to the powers and authority already given the mayor of said city, he shall have the following: To try and punish per-

sons for violations of the city laws by fine not exceeding one hundred dollars, and on default of payment of any fine assessed or the giving of security for same, to be paid within thirty days, he shall sentence the defendant to hard labor on the streets of the town for not exceeding six months; he shall also have power to punish by imprisonment or sentence to hard labor as herein before provided for a term not exceeding six months. But no female shall be punished by hard labor on the streets. He shall have power to suspend the marshal or any police officer until the board shall meet to pass upon such suspension, and by a majority vote restore such officer or make such suspension permanent. He shall have the same power to punish for contempt, while presiding at a council meeting, as when holding court. He shall give notice to defendants in all cases before rendering judgment on, or declaring forfeited, any bond payable to the city, such notices and proceedings to be governed by the general law applicable to forfeited bail proceedings in circuit court as nearly as may be practicable. He shall make and publish a semi annual sworn statement on the first days of June and December, or within three days thereafter, showing the receipts and disbursements, resources and liabilities of the city, in condensed form, and if no newspaper is published in the city he must post such statement in the council chamber and at two other places in the city; he shall keep a docket, in which shall be entered, in their order, a full statement of each case tried or disposed of before him, and the disposition of the same, and of the fines and costs collected.

General powers of mayor.

SEC. 11. Be it further enacted, That the marshal of said city shall collect the street taxes, which shall be paid semi-annually, on or before the first day of May and the first day of September, and if any person subject to such street tax shall fail to discharge the same by working the streets or by paying the semi annual installments, the marshal, on complaint of any citizen, accompanied with proof, that the delinquent could have been arrested by the marshal's diligence after default, shall be fined by the mayor not less than the amount of default and not more than twice the amount thereof, and such fine shall go to the street fund. The marshal shall semi-annually make a list for each ward of all persons therein who are liable to street duty.

Taxes collected.

SEC. 12. Be it further enacted, That any person who fails to perform his duty on the streets when warned to work, or fails to discharge same by working or by paying any semi annual assessment on the day it shall become due, must be fined on conviction not less than the amount of his default nor more than twice the amount of the came, and on failure to pay or secure the same shall be sentenced to pay such fine and costs by hard work on the streets. Default of street work.

SEC. 13. Be it further enacted, That in the assessment and collection of city taxes, the city assessor and collector shall be governed and. controlled in all matters by the law applicable to towns incorporated under the general laws of the State, as contained in title 14, of part 1, of the Code of Alabama of 1886, or in amendments, additions to or changes of such laws by acts of the general assembly. And all levies, advertisement of sales, notices to delinquents, decrees of sales, sales, redemption of real eastate, tax deeds and all other matters pertaining to tax collections and tax sales shall be governed and controlled by said general laws. Assessments and collections of taxes.

SEC. 14. Be it further enacted, That in all cases where convictions are had, the mayor shall tax up the same fees for trial and other services performed by him, as is by law allowed justices of the peace for like services in this State, and he shall also tax one dollar for each arrest where conviction is had, and for other services performed by the marshal, such fees as are by law allowed constables in this State, and witnesses before the mayor's court shall receive the fees allowed witnesses in the justice's court; and all of said fees shall be taxed and collected as costs against defendant, if convicted, and may be taxed against any prosecutor if prosecution is frivolous or without probable grounds. But in no case shall the city be liable for fees in any prosecution for a violation of a city law. And such fees, together with fines assessed against defendant, when collected by the marshal, shall be paid to the mayor, who shall receipt for the same, and enter same by items on his docket, and the mayor shall pay the witnesses their fees and shall turn the balance over to the treasurer and take his receipt for the same. Fees.

SEC. 15. Be it further enacted, That the maximum yearly salaries of the officers of said city shall be as follows: Mayor, $100; marshal, $600; clerk, $100; and the fees allowed the city tax assessor and collector, if he perform the duties of such office; treasurer, $100; police officers, $400; the assessor and collector of taxes, who shall be one and the same person, shall receive 10 per centum of all taxes assessed and collected by him, and in all sales and proceedings against delinquent tax payers he shall receive the same fees as are or may be allowed to the county tax assessor and collector.

Salaries.

SEC. 16. Be it further enacted, That each officer of said city, before entering upon the discharge of his duties, shall take and subscribe the oath of office, by law required of public officers of this State, and also to faithfully discharge the duties of their office, which oath may be administered by the acting mayor or any officer of this State authorized to administer oaths. They must also, before entering into office, give bond with two or more good and sufficient sureties, in the following amounts: Mayor, $1,000; marshal, $1,000; clerk, $1,500; treasurer, $5,000; assessor and collector, $1,500; police officers, $500. Said bonds shall be approved by the board and payable to the city, and conditioned for the faithful performance of the duties of the office upon which the principal is about to enter. The bonds of all the officers except the treasurer shall be filed with and kept by the treasurer, after having been recorded by the clerk, who shall be the custodian of the treasurer's bond; Provided, that the board shall have power at any time to increase the amount of the bond of any officer to any sum it may deem necessary, and to require new and additional bonds of officers when it shall see fit to do so.

Oaths of office. and bonds.

SEC. 17. Be it further enacted, That the clerk shall keep in a well bound book provided for that purpose, a record of its proceedings and acts, of the ordinances introduced, read and passed, by their title; he shall also record in said book the oaths of office, and bonds of all officers of the city. He shall also keep in a well bound book a correct copy of all ordinances, by-laws and

Minutes of meeting of board.

resolutions of the board, showing date when same were passed and approved, the date when publication was completed and the same went into effect, and how same were published. He shall also index the record of ordinances in as convenient manner as possible, and such record or transcript therefrom, certified by the clerk, shall be evidence in any court in this State.

SEC. 18. Be it further enacted, That all books kept for the city by the mayor, clerk, assessor and collector, treasurer or any other officer of the city, shall be open to inspection when desired by any citizen of the city, at all reasonable times.

SEC. 19. Be it further enacted, That the treasurer, tax assessor and collector shall keep all books and accounts for said city and the convenience of its citizens, as are by law required of county treasurers, assessors and collectors

Books kept.

SEC. 20. Be it further enacted, That all taxes shall become due and payable on the first day of November in each year, and after said date all taxes not paid shall be treated and collected as delinquent taxes.

When taxes due.

SEC. 21. Be it further enacted, That the clerk, treasurer, collector and marshal shall make quarterly reports to the mayor in writing and certified by oath on the first days of March, June, September and December in each year, or within three days thereafter, showing receipts and disbursements by items made by them for the past three months, and any balance on hand, and the mayor shall make a like quarterly report to the board, of the cases tried by him, convictions had, and monies he has received and paid out by items, and such reports shall be published for one issue in a newspaper if there be any in said city, if not, copies shall be posted at the post office and in front of the council chamber, and also entered on the minutes of the board at its meeting after said above mentioned dates, and from said reports the mayor shall make and publish his semi-annual condensed statement of the financial condition of the city.

Reports.

SEC. 22. Be it further enacted, That the tax collector shall turn over to the treasurer on the first day of each month or within three days thereafter all money collected for the city during the preceding month.

Money paid to treasurer.

SEC. 23. Be it further enacted, That all city licenses shall be issued by the city clerk who shall keep on a stub or in a book a full statement of the same, and he shall turn over to the treasurer all license money immediately on collecting same, and take a receipt therefor.

Licenses.

SEC. 24. Be it further enacted, That an election for mayor, clerk and treasurer, and one alderman for each of wards number two, four and six, shall be held in said city on the first Thursday in December 1893, and every two years thereafter. And on the first Thursday in December 1893, there shall also be elected one alderman for each of wards number one, three and five, who shall serve one year, and on said date in 1894, and every two years thereafter, one alderman shall be elected for each of said wards number one, three and five, who shall serve two years.

Elections.

SEC. 25. Be it further enacted, That ten days before any election provided for herein, and not sooner than fifteen days before any such election, the mayor and alderman shall appoint three inspectors who shall be supporters of different tickets for mayor and aldermen, if three tickets have been announced at the time in any newspaper of the city or by notice served on at least three members of the board; if fewer than three tickets have been so announced, then one supporter of each of those announced shall be appointed, and if more than three tickets have been announced then the tickets shall be put into a box and shaken up, and from it a member of the board who shall be blindfolded shall draw out one ticket at a time until three have been drawn; one supporter of each of the tickets so drawn shall be appointed an inspector of the ensuing election. But no officer or employe of the city shall serve as an inspector.

Inspectors of election.

SEC. 26. Be it further enacted, That the time when and the place where polls will be open, the name of the inspector and the offices to be filled, shall be advertised for ten days before any election by at least two publications in a newspaper, if any be published in the city, and if not, then by notice posted at the polling place and one public place in each ward.

Notice of election.

SEC. 27. Be it further enacted, That on complaint made at any time before the day of election to the mayor, verified by oath that there is probable cause for believing that any inspector appointed by the board to to represent any ticket is not a supporter of such ticket, the mayor shall immediately call a meeting of the board, of which the inspector complained of shall have notice, and on hearing the proof submitted, if there is probable cause for believing the complaint to be true, the board shall remove him and appoint another supporter of such ticket in his stead. Removal of inspector.

SEC. 28. Be it further enacted, That the city clerk shall be register of the voters of the city; and shall keep a list of registered voters of each ward at his office for ten days before any election, during which time any voter may register. The clerk shall furnish the inspectors a copy of the lists of voters at the election last past. Every voter otherwise qualified shall register before the city clerk or his assistant register at each election held in said city before he shall be qualified to vote at such election. The clerk shall preserve all lists of registered voters in city elections. Registration.

SEC. 29. Be it further enacted, That immediately after the polls are closed the inspectors shall proceed to count and declare the result. Each candidate for mayor, clerk and treasurer shall have the right, so long as he be orderly and keep the peace, to stay with the persons having custody of the ballot box from the closing of the polls until the result is declared, and to see the ballots counted. And if either of said candidates cannot be present he may appoint one person to attend and see the count in his place. Candidates may be present

SEC. 30. Be it further enacted, That when the vote is completed and the result declared, the inspectors shall fill out a certificate giving the vote received by each person voted for, which shall be sworn to by them before the register or some other officer authorized to administer oaths, and they shall keep a duplicate of said certificate, and on demand of any candidate voted for, shall deliver to him a copy of same. They shall appoint one of their number to deliver said certificate Certificates of votes.

to the board, and one to keep the ballots, which shall be sealed up and kept as provided by law for inspectors in general elections in this State until the time shall expire for a contest as provided in this charter. In case of contest the ballots shall be preserved by the inspectors to whose care they have been committed, but he shall, on order of the judge of the court in which contest is pending, made in term time or vacation, deliver the same to the officer named in such order.

Certificates of election.

SEC. 31. Be it further enacted, That on the night of the day of the election, or if a meeting on that night be impossible, then within forty-eight hours after the polls close, the board of mayor and aldermen shall meet and issue certificates of election to the persons elected as shown by the certificates of the inspectors.

Laws governing elections.

SEC. 32. Be it further enacted, That all elections and officers and inspectors of elections in said city shall be governed in all respects by the laws controlling general elections in this State, so far as the same may be applicable, and when not in conflict with any provisions of this act. The inspectors shall take the same oath as provided by law for general elections.

Ties.

SEC. 33. Be it further enacted, That all ties in elections as provided herein shall be determined by lot.

Penalty on inspectors.

SEC. 34. Be it further enacted, That any person acting as an inspector, or any officer of the city or member of the board charged with any duty herein pertaining to any election provided herein, who shall wilfully and corruptly fail to discharge such duty fairly and impartially, or who shall deny to any candidate or other person any right or privilege given by this act, shall be guilty of a misdemeanor, and on conviction, shall be fined not less than one hundred dollars nor more than one thousand dollars, and must also be imprisoned in the county, jail, or sentenced to hard labor lor the county, for not less than six nor more than twelve months.

Illegal voting.

SEC. 35. Be it further enacted, That any person who shall vote illegally in any election herein provided for, shall, on conviction, be punished as provided for. illegal voting in general election in this State.

SEC. 36. Be it further enacted, That if for any cause any election provided for in this act shall not be held, then the old officers shall hold over until their succes-

SOTS are elected and qualified, and in such case it shall be the duty of the board to order an election to fill such offices, which order shall be published for four weeks before such election in some newspaper in said city, or if there be none, then by written notices posted for thirty days, as hereinbefore provided for notices of election. And the board shall be governed in all cases by the provisions of sections twenty-five (25) and twenty-six (26) of this act in the appointment of inspectors and advertisement of such elections ten days before it shall be held. If election not held.

SEC. 37. Be it further enacted, That the mayor and aldermen elected at any election under the provisions of this charter shall take the oath and enter into office on Thursday of the week following their election, and the treasurer and clerk shall have fifteen days after the day of the election within which to make and file with the board a sufficient bond. And if either shall fail to make a sufficient bond within that time his office shall be vacant, and the board shall elect his successor. Oath and bond.

SEC. 38. Be it further enacted, That this act shall go into effect immediately upon its approval, but no provisions herein shall affect the bonds or salaries of the officers of the said city elected for the present term. The present board of mayor and aldermen shall carry out the provisions of this act during their continuance in office; Provided, that nothing in this act shall in any way affect or interfere with any contest now pending, or that may be instituted, in regard to the last election of officers in said town, but such contest shall be heard and determined by the law in existence at the time said contests were begun. When act takes effect.

SEC. 39. Be it further enacted, That all laws and parts of laws in conflict with this act, and all provisions of the act entitled an act to incorporate the city of Girard, Russell county, approved December 8th, 1890, in conflict, or in any way inconsistent with the provisions of this act, be, and the same are, hereby repealed.

Approved February 21, 1893.

No. 426.] AN ACT [H.B.487

To prohibit the sale, giving away or otherwise disposing of any alcoholic, vinous or malt liquors or other intoxicating drinks or beverages, or fruits preserved in alcoholic liquors within four miles of the First Presbyterian Church in Limestone county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act it shall be unlawful for any person to sell, give away or otherwise dispose of any alcoholic, vinous or malt liquors, or other intoxicating drinks or beverages, or fruits preserved in alcoholic liquors within four miles of the First Presbyterian Church, in Limestone county, Alabama.

SEC. 2. Be it further enacted, That any person vio-
Penalty. lating the provisions of section one of this act shall be guilty of a misdemeanor, and, upon convict ion thereof, shall be fined not less than twenty-five nor more than one hundred dollars.

Approved Feb. 21, 1893.

No. 427.] AN ACT [H. B. 509

To relieve married women of their disabilities of minority.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the marriage of any female in this State under twenty-one years of age, and over the age of eighteen years, shall have effect at once to remov e all her disabilities of minority, and she shall have th e same legal rights and abilities that married wome n have over twenty-one years of age.

Approved Feb. 21, 1893.

No. 428.] AN ACT [H. B. 510.

To authorize the trustees of the Alabama Institute for the Deaf to sell and convey the lands left to that institution by the late John Wilson.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the trustees of the Alabama Institute for the Deaf be, and they are, hereby authorized and empowered to sell and convey the lands left to that institution by the late John Wilson, situate in Montgomery county, Alabama.

SEC. 2. Be it further enacted, That the deed conveying such lands shall be executed by the president of such board of trustees upon authority of a resolution of the board.

Approved February 21, 1893.

No. 429.] AN ACT [H. B. 484.

To make lawful the sale, giving away or disposing of vinous, spirituous or malt liquors at all places within one hundred yards of the enclosure of the First Baptist Church, in the city of Montgomery, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be lawful for any person who shall comply with the laws of the State and the ordinances of the city of Montgomery, regulating the licensing of sales of liquor, to sell, give away or dispose of vinous, spirituous or malt liquors at all places within one hundred yards of the inclosure of the First Baptist Church, in the city of Montgomery, Alabama.

SEC. 2. Be it further enacted, That all laws or parts of laws so far as they conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 21, 1893.

No. 430.] AN ACT [H. B. 471.

To amend sections 3 and 21 of an act to establish a charter for the town of Albertville, Marshall county, Alabama, approved February 18, 1891.

Section 1. Be it enacted by the General Assembly of Alabama, That section three of an act to charter the town of Albertville, Marshall county, approved February 18, 1891, be amended so as to read as follows : "Section 3. Be it further enacted, That the government of said municipality and the corporate powers shall be exercised by a mayor and five councilmen, who shall be elected as hereinafter provided on the first Tuesday in March, 1891, and annually on the first Tuesday in March thereafter by ballot by the qualified electors of the State of Alabama, who have resided within the corporate limits of said Albertville, 30 days next preceding such election. All elections for municipal officers hereafter shall be held under regulations adopted by the municipal authorities, who shall count the votes and declare the result. No person shall be a qualified voter at the elections in said corporation who has not been duly registered for the beat in which Albertville is situated under the laws of the State, and the elections shall be conducted under the laws of the State so far as the same are applicable. When there shall be a vacancy in the office of Mayor, either by death or resignation, the councilmen shall immediately order an election, of which ten days notice shall be given, to fill vacancy, by the qualified voters of the corporation, under the laws of the corporation and the election laws of Alabama.

Corporate authorities.

Elections.

Vacancies.

SEC. 2. Be it further enacted, That section 21 of said act to incorporate the town of Albertville, Marshall county, be amended so as to read as follows: "Section 21. Be it further enacted, That the question of the sale of vinous, spirituous or malt liquors shall be submitted to the voters, who are qualified electors under the laws of Alabama, and residing within the corporate limit of said Albertville, whether the same shall be sold or not.

Sales of liquor.

SEC. 3. Be it further enacted, That sections 3 and 21 as are in said charter be and the same are hereby repealed, and all laws and parts of laws contrary to sections 1 and 2 of this act, be and the same are hereby repealed.

Approved Feb. 21, 1893.

No. 431.] AN ACT [H. B. 662.

To amend subdivision 26 of section 13 of an act entitled an act to establish a new charter for the town of Piedmont, Alabama, approved February 21, 1891.

Section 1. Be it enacted by the General Assembly of Alabama, That subdivision 26 of section 13 of an act entitled an act to establish a new charter for the town of Piedmont, Alabama, approved February 21,1891, be and the same is hereby amended so as to read as follows: 26. To issue the coupon bonds of the city of Piedmont to the amount of fifty thousand dollars, bearing interest at the rate of six per cent. per annum. Said bonds shall be of such denomination, each not less than one hundred nor more than one thousand dollars, as may be fixed by the mayor and councilmen, and shall mature twenty years after issuance, and be payable at such place as the mayor and councilmen may designate, and the interest on said bonds shall be payable semi-annually. Said bonds shall be signed by the mayor and countersigned by the treasurer of said city, and the seal of the city be affixed thereto, and the treasurer of said city shall keep a correct record of all of said bonds so issued. Said bonds and coupons shall have all of the properties and protection of commercial paper, and at and after maturity, shall be receivable for all dues and taxes to said city at their par value, and shall be exempt from all municipal and county taxation. The mayor and councilmen of the city of Piedmont shall have authority to negotiate and sell said bonds of the city, or any part thereof, but said bonds shall not be sold for less than ninety-five per cent of their face value, and the proceeds of such sales shall be applied to the construction and improvement of streets, alleys, sewers and public places of said city, and for the erection of public buildings, and for supplying and paying for electric lights and water for said city, and for the purchase of a cemetery.

Amount and character.

Sale of bond.

Approved February 21, 1893.

No. 432.] AN ACT [H. B. 797.

To incorporate the North Alabama Coal and Mineral Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That W. T. McCord, of Albertvile, Alabama, and .W.N. McKnight, of Conyers, Georgia, and their associates, be, and they are hereby constituted and created a body corporate under the name and style of the North Alabama Coal and Mineral Company, and by that name may sue and be sued, plead and be impleaded, make and have a common seal and break and alter or renew the same at pleasure; shall have perpetual succession; may contract and be contracted with; borrow money and execute notes, bonds or bills therefor; and shall have and exercise all the rights, privileges, powers and franchises in and by this act hereinafter conferred and granted, and as may be necessary to carry out and effect the purposes of its incorporation, and that said corporation may issue common and preferred stock.

Name and powers.

SEC. 2. Be it further enacted, That the capital stock of said corporation is hereby fixed at the sum of two hundred thousand dollars, but the said corporation by a vote of its stockholders shall have the right and power at any time after its organization, to increase its capital stock from time to time as by its stockholders may be determined and deemed essential for the uses and purposes of its incorporation ; Provided, that the capital stock shall not be increased to an amount exceeding five hundred thousand dollars.

Capital.

SEC. 3. Be it further enacted, That the capital stock of said corporation shall be divided into shares of the par value of one hundred dollars, and in all meetings or conventions of the stockholders, each stockholder, either in person or by proxy, to cast one vote for each share of stock held or owned by him, and executors and administrators shall have the power to represent the shares belonging to their testators or intestates, and guardians to represent the shares belonging to their wards.

Shares and votes.

SEC. 4. Be it further enacted, That the persons named as incorporators in the first section of this act, or a majority of them, and such person or persons as shall join and become associated with them, shall meet at such time

and place in the State of Alabama as they may designate or appoint, and at such appointed time and place, shall proceed to take and receive subscriptions to the capital stock of said corporation, payable in such manner and upon such terms as may be determined and agreed on by and between them and the party or parties who may desire and propose to take stock in said corporation, which business may be transacted or completed and subsequent adjourned meeting or meetings as may be deemed necessary, if not completed at the first meeting; the subscription to said stock may be made payable in money or property, real or personal, or rights or franchises, as may be expressed in the contract therefor, and if made payable in property, at such value as may be agreed on by and between the subscribers, and if subscribed for before the corporation is organized, the said corporators or a majority of them, or if taken after the corporation is organized, as may be agreed on by a majority of the stockholders. The provisions of this section shall be equally applicable to any subscription for stock made or taken upon any increase of the capital stock of said corporation after its original organization, as well as at the time of its organization, or in payment of subscription for the original amount of capital stock in the second section of this act named.

Subscriptions.

SEC. 5. Be it further enacted, That when as much as forty thousand dollars shall have been subscribed as authorized in the preceding section to the capital stock of said corporation, then at such time and place as may be determined by a majority in interest of the subscribers to said stock, there shall be a meeting of such subscribers for the purpose of organizing said corporation by the election of a board of directors, to consist of not less than five nor more than ten members, who shall be elected from the subscribers to the stock, and thereupon the directors so elected, or ,a majority, shall elect either from their number or from the stockholders of said cor poration as they may think best, a president, and they shall also elect a secretary and treasurer of said corpora tion, or they may elect one person as secretary and treas urer, and the election of such directors, and by them of a president and secretary and treasurer, shall constitute the organization of said corporation. That the directors, president, secretary and treasurer so elected shall con-

Organization.

tinue in office until their successors are elected and shall qualify; the election of the successors of the directors to beat a subsequent convention of the stockholders, the time and place of holding which may be fixed or designated by a by law of said corporation, which may be adopted by the board of directors, and of which time and place the stockholders shall have such notice as the board shall direct.

SEC. 6. Be it further enacted, That the purpose and object of said corporation shall be and is to mine coal, and to sell the same, and to manufacture coal into coke, and that said corporation shall have authority and power to buy, mine and sell coal, and to produce, manufacture, buy and sell coke, and to buy and sell, or lease, to acquire, hold and possess all such coal lands, mineral rights in coal lands, timber rights and other property, real or personal, easements and franchisements, and to purchase, construct and operate all such railroads, tramways, buildings and structures as may be deemed needful and useful in carrying on its business permanently in the efficient and advantageous manner, and to lay out, construct, purchase and use all such tramways, railways or other roads or ways as may be needful and convenient for the transportation of its coal, coke, products, material and other things that may be required in it business; Provided, that the said corporation before constructing any such tramways, railways or other roads or ways, shall lawfully acquire the right of way therefor, and to that end and for that purpose may use the right of ad quod damnum, and institute and prosecute all such proceedings necessary thereto upon the same terms and in the same manner as prescribed by the code of Alabama.

General powers.

SEC 7. Be it further enacted, That the business of said corporation may be carried on in the counties of Marshall, DeKalb, Etowah, Blount and Cullman, and that said corporation shall have its principal office or place of business at Albertville, Marshall county, Alabama, and that said corporation may also have an office or a place of business, with an agent or other employe, in the city of Atlanta, Georgia, for the purpose of there transferring the stock of said company and otherwise registering, its acts and contracts as may be deemed essential.

Place of business.

SEC. 8. Be it further enacted, That said corporation, by and with the consent of the persons holding the

larger amount in value of the stock thereof, given in person or by proxy, either at the meeting of said stockholders first held for the organization of said corporation nnder and in accordance with section five of this act, or at any subsequent meeting of said stockholders duly and legally called for that purpose by the board of directors, shall have the power, and authority is hereby given to it, to execute and issue its bonds for such sums and in such amounts and payable at such time or times as the said stockholders may determine, bearing such rate of interest, not exceeding eight per cent. per annum, as said stockholders may deem best, and to secure the payment of said bonds and the interest thereon ; the said corporation is hereby authorized and empowered to execute in its corporate name a mortgage or deed of trust upon all of its property and franchises, or such part thereof as the said stockholders may deem proper; such bond and mortgage or deed of trust to be signed and countersigned by the president and secretary, under the seal of said corporation, and the said corporation is hereby authorized and empowered to sell and dispose of said bonds for the purpose of raising money for the purchase of property, or for any other purposes necessary for said corporation, as the directors may think best, on such terms as the said board of directors may deem best for the company. Bonds.

SEC. 9. Be it further enacted, That there shall be annual meetings or conventions of the stockholders of said corporation at the principal office thereof, or at such other place as the stockholders may prescribe, for the election of directors, and for the transaction of such other business relating to the interests of the corporation as such stockholders when so assembled may deem necessary or proper; of the time and place of holding such conventions such notice shall be given to the stockholders as may be prescribed by by-laws or otherwise, or as may be directed by the board of directors, on omission of the stockholders to prescribe, but no omission or failure to hold any such convention within the time prescribed shall have the effect to cause a dissolution of such corporation, or the forfeiture of any of its rights, privileges, powers or franchises. It shall require a representation of as much as three fifths of the stock held or owned in said corporation by the stockholders, in person Meetings.

or by proxy, to form a convention competent to transact business binding on the corporation or its stockholders. After the organization of the corporation, the number of the directors shall continue as provided in the fifth section of this act, until otherwise provided by said corporation, which shall have the power to increase or diminish in number, as to it shall deem best. A majority of the board of directors shall constitute a quorum for the transaction of any business which they are or may be authorized to transact. Said corporation, acting by its stockholders in convention, shall have power to enact or ordain all such rules and by-laws, not contrary to the constitution or laws of this State or the United States, as may be deemed needful and proper for the management and control of its affairs and business, and for the transfer of stock by its stockholders.

Number of directors.

SEC. 10. Be further enacted, That after the organization of said organization, by and with the consent of the person holding larger amount in value of its stock, first obtained at a meeting of the stockholders, convened for the purpose of voting upon the proposition, to be held after thirty days notice, given in pursuance of law, the said corporation shall have the right to increase its capital stock, and to take and receive additional subscriptions to its capital stock, and in doing so may, if it deem proper and advantageous, receive such additional subscriptions payable in whole or in part in property, real or personal, or rights or franchises, as subscription to its original stock are payable, as provided in this act, and may take and receive such subscription in the same manner from either individuals or corporations engaged in the business of mining or producing or manufacturing iron, or steel or coal, or any of these products, or other mineral of value, and may take and receive proper conveyance for such property in payment for such subscriptions.

Increase of capital.

SEC. 11. Be it further enacted, That said corporation is authorized to constitute and continue an agency or agencies outside of the State for the transfer of the shares of its capital stock, and to enact all by-laws necessary to provide for the transfer of such shares at such agency or agencies.

Agencies.

Approved February 21, 1893.

No. 433.] AN ACT [H. B. 1110.

To prevent sheep, goats, hogs, pigs and calves from running at large in the several beats in Colbert county, and to authorize an election thereon.

SEC. 1. Be it enacted by the General Assembly of Alabama, That in any beat in Colbert county where sheep, goats, hogs, pigs and calves are prohibited from running at large as provided hereinafter by a majority vote of such beat, it shall be unlawful for the owner or manager of any such stock within said beat to permit such stock to go upon the land or crop of another within the prohibited territory or beat, and for each wilful violation of this section the owner or manager of any such stock shall be guilty of a misdemeanor, and shall on conviction be fined not less than five nor more than fifty dollars; Provided, that all prosecutions under this act shall be commenced within twenty days after the commission of the offense, and that the party injured shall alone have the right to institute said prosecutions; Provided further, that no action under this section shall be against any person residing outside of said prohibited territory or beat. Penalty.

SEC. 2. Be it further enacted, That the term stock where it occurs in this act shall be held to include calves, sheep, goats, hogs and pigs. Terms.

SEC. 3. Be it further enacted, That whenever twenty householders and freeholders who reside in any beat or voting precinct in Colbert county shall petition the probate judge of said county, asking for the same, he shall order an election in such beat at the usual voting place. Said order shall be published once in a newspaper published in said county, and shall notify the public that an election will be held at the voting place in said beat, not less than ten days nor more than thirty days from such publication, specifying the day of election, to decide whether in said beat stock shall be prohibited from running at large. He shall also appoint two mnaagers of such election, one of whom favors and the other opposes such a law. At said election the qual- Elections.

ified electors of the beat shall be allowed to vote. Those favoring the running at large of stock shall have on their ballots, "stock at large." Those opposing shall have on their ballots, "no stock at large." Said ballots shall be counted by said managers and the result certified to the probate judge within two days after said election. If a majority of the votes cast as so certified are in favor of prohibiting stock from running at large, the said judge shall enter an order on the minute book of county commissioners to that effect, and shall at once publish said order in a newspaper published in said county, and sixty days after such publication the provisions of this act shall apply and be in full force in said beat. At said election, the said judge of probate shall appoint two challengers, one favoring and one opposing said law. If any contest arises as to the

Contests. result of said election, the party so contesting shall file with said probate judge, in three days after said election, his objections to granting said order, and shall give bond with such security as the said judge shall deem sufficient to pay the costs of the proceeding. The said judge shall cause the sheriff to summon twelve jurors residing outside of said beat, who shall be competent to sit on juries in said county, to be sworn by said judge to render a true verdict, and on a day to be named by such judge, not less than five nor more than ten days from such filing of the contest, a trial shall be had, at which such judge shall preside and conduct the same as other trials. The issues to be decided on such trials shall be:

Issues. 1st. Was said election held in accordance with the provisions of this act.

2d. Was the result for or against the stock law.

The said judge shall issue the order and notice hereinbefore provided for, in accordance with the verdict of the jury, otherwise no such order shall be issued; Provided, that if any of the jurors summoned do not attend, or are incompetent, then the judge of probate shall order the sheriff to summon from the qualified citizens of said county, who do not reside in the precinct where such election was held, a sufficient number to complete the jury.

SEC. 4. Be it further enacted, The said managers at said election, before entering on their duties, shall be sworn by some officer authorized to administer oaths, that they will conduct said election fairly, and a true certificate render to the probate judge. If either of them fail to serve, any other competent man may serve who resides in said beat. Oath of managers.

SEC. 5. Be it further enacted, Said election shall be held within the hours, and under the rules of general elections in this State; Provided, there shall be but one election under this act in any one beat in any one year, and any officer failing to perform any duty required by this act, in regard to said election, shall be guilty of a misdemeanor; Provided further, that no election shall be held under the provisions of this act before the first day of September, 1893. How elections held.

SEC. 6. Be it further enacted, That the costs of any election held under the provisions of this act shall be paid by the parties who petition the probate judge to order said election. Said probate judge is authorized to make a bill of said costs, and to render decree against said petitioners if not paid within thirty days after said election is held, except in cases of contest, in which case said decree shall not be rendered until after said contest is terminated. Costs.

SEC. 7. Be it further enacted, That whenever any damage has been done to any property in any of said prohibited beats by hogs, sheep, goats, pigs or calves running at large, the party whose property has been damaged shall have the right to take possession of such stock, if found at large or uncontrolled on the premises of such person, and when so taken up the person taking up such stock shall forthwith notify the owner of such stock, or his or her agent, if the owner is made known to the taker up, who must exercise due diligence in ascertaining the owner of such stock. If the owner or agent shall refuse to satisfy the taker up for the damage done by such stock, said taker up may within ten (10) days after such damage was done, make complaint against the owner of the stock, or person or persons having them in charge, to a justice of the peace or notary public with powers of a justice of the peace, in said beat in which said damage was done, describing the property damaged and the stock doing the damage, and whenever such complaint is made the justice Taking up stock.

of the peace or notary public shall issue notice to the owner, or person in charge of such stock, commanding him or her to appear and answer on a day not less than live (6) nor more than ten (10) from the issuance of such complaint, and if the owner of the stock appears on the day he is commanded to appear, and answer said complaint, the justice of the peace or notary public shall try such cause and render such judgment therein as the justice and equity of the case demand; but if the owner or agent of such stock does not appear and answer, the jus-

Trials and damages.

tice of the peace or notary public shall give judgment for the complainant for such damages as he may have sustained, and if judgment be rendered for the complainant, the justice of the peace or notary public shall also render judgment condemning the stock doing the damage, to be sold for the satisfaction of such judgment and the costs of the suit, and shall issue execution on such judgment, commanding any constable of the county to levy on and sell such stock, describing them in the execution, for the satisfaction of such judgment and costs; Provided, That no action shall lie under this section against any person living outside the beat, and whose hogs, sheep, goats, calves or pigs, may stray across the line and trespass in said beat, unless the owner or agent may have had twenty-four hours notice of such trespass and fail to take such stock out of the limits of said district within that time.

Appeal.

SEC. 8. Be it further enacted, That either party shall have the right to appeal to the circuit court, or other court of like jurisdiction, from the judgment of the justice of the peace or notary public in such cause.

When owner unknown.

SEC. 9. Be it further enacted, That if the owner or agent of the stock doing the damage is not known or made known to the taker up, then he shall report the taking up and description of the stock to the nearest justice of the peace or notary public within three (3) days after the taking up, and make affidavit that the owner is not known, and that he has not been able to ascertain the name of the owner, and the affidavit shall also contain a short and clear description of the stock, and that it was taken up on the premises of which the affiant was in possession, or for which he was agent, and on the filing of such affidavit, the same proceedings shall be had as in case of estrays under the existing laws of the State, ex-

cept that no bond shall be given as is now provided in such laws, but the taker up shall be liable for any willful neglect or injurious treatment which may cause a loss of the stock so taken up.

SEC. 10. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 21, 1893.

No. 434.] AN ACT [H. B. 761.

To authorize the county commissioners of Baldwin county to appropriate surplus funds in the county treasury to the public school fund of said county.

Section 1. Be it enacted by the General Assembly of Alabama, That the county commissioners of Baldwin county be and are hereby authorized to appropriate out of the funds in the treasury of said county any surplus funds not needed to meet the usual and necessary expenses of said county. Surplus appropriated.

SEC. 2. Be it further enacted, That said commissioners, at their first regular meeting after the approval of this act, and each subsequent year, shall determine what amount of the funds of the county can be appropriated under the first section of this act, which amount must be fixed by resolution of the board, to be spread upon the minutes, and if any of such funds are so appropriated, it shall be the duty of the president of the board to draw an order upon the treasurer of the county for such amount in favor of the county superintendent of public schools. Commissioners determine amount.

SEC. 3. Be it further enacted, That it shall be the duty of such county superintendent, upon collecting such order, to give a receipt to the county treasurer for the money, and to use such moneys for maintenance of the public schools of the county. He shall appropriate to each township in the county a proportionate part of said money, upon the same basis that the money derived from the State is divided among said townships. At the end of each school year said superintendent must file a report with the board of school commissioners showing how he Appropriation of fund.

has used the money received under the provisions of this act.

Approved February 21, 1893.

No. 435.] AN ACT [H. B. 275.

To establish the city court of Bridgeport.

SECTION 1. Be it enacted by the General Assembly of Alabama, That there is hereby created in and for the county of Jackson, an inferior court of law, which shall be called the city court of Bridgeport, which court shall have and exercise all the jurisdiction and powers which are now are may hereafter be conferred by law, upon the circuit courts of the State of Alabama, except as hereinafter changed. When exercising the jurisdiction and powers of the courts of law, said city court shall conform to the rules of procedure and practice in the circuit courts of the State, except wherein the rules of procedure and practice may be hereinafter changed; Provided, That the criminal jurisdiction of said court shall be limited to misdemeanors; Provided further, That the presiding judge of said court shall adopt such rules of practice, not inconsistent with the general rule of practice of the State of Alabama, as may be required by the proper system of city practice and amends the same as may be expedient. Such rules of practice shall be entered of record upon the minutes of said court and the same may be changed or amended by the supreme court of the State.

Style and jurisdiction.

SEC. 2. Be it further enacted, That the jurisdiction of said court shall be limited to and extend over that part of the territory of said county of Jackson, included within the following precincts of said county, as now organized to-wit: Bridgeport precinct, No. 1, Boliver precinct, No. 2, Stevenson precinct, No. 3, Carpenter precinct, No. 4, Kash precinct, No. 5, Bass precinct, No. 7, Gross Spring precinct, No. 29, and causes of action arising within said designated limits whether the parties reside therein or not.

Limits of jurisdiction.

SEC. 3. Be it further enacted, That a judge of said city court of Bridgeport shall be appointed by the governor within thirty days after the approval of this act, who shall hold office until his successor shall have been elected and qualified as hereinafter provided, which successor shall be elected at the general election on the first Monday in August, 1896, by the qualified voters of Jackson county, and every four years thereafter. That the judge so appointed or elected shall take the oath of office required by law, to be taken by the judges of the circuit courts of the State, and shall be removed from office for the same causes, and in the same manner as judges of the circuit courts. He shall have and exercise all the jurisdiction and powers which are or may be hereafter lawfully exercised by the judges of the circuit courts of the State, including authority to issue writs of injunction, prohibition, certiorari, mandamus, habeas corpus, ne exeat, and all other remedial writs, returnable to any court of the State.

The judge.

SEC. 4. Be it further enacted, That the judge of said city court shall be a citizen of Jackson county, at the time of his appointment, and during his continuance in office, shall reside in the city of Bridgeport, and at the time of his appointment or election shall have been a citizen of the State of Alabama, for a period of five years next preceding his appointment or election, and shall be not less than twenty-five years of age and learned in the law. Vacancies in the office of judge shall be filled by appointment by the governor, and the person so appointed shall hold office during the unexpired term of his predecessor, and until his successor shall be appointed and qualified.

Qualifications of judge.

SEC. 5. Be it further enacted, That the clerk of the circuit court of Jackson county shall be the clerk of the city court of Bridgeport, and shall be charged with the same duties in said city court and subject to the same liabilities and penalties in respect thereto, as are by law imposed upon the circuit court clerks of the State, and said clerk shall receive for his compensation for such service the same fees as are by law taxed for the circuit court clerks' of the State, to be taxed and

Clerk and fees.

collected in said city court in the same manner as said fees are now taxed and collected in the circuit courts of the State. That the clerk of said city court shall keep an office in said city of Bridgeport, and at all times be required to be in attendance upon said city court, either in person or by deputy. Said city court shall adopt and keep a seal, which shall be in the custody of said clerk.

SEC. 6. Be it further enacted, That said city court shall be held and the office of said clerk and the records thereof shall be kept at such place in the said city of Bridgeport as may be provided by the court of county commissioners of Jackson county; said court shall hold three regular terms in each year, and may continue in session until the business thereof is disposed of, except as hereinafter provided. Regular terms of said court

Term of court

shall be held on the first Monday in February, June, and October, of each year, and shall continue in session until within twenty days of the convening of the next term; Provided, That the presiding judge shall have the right to adjourn said court on Saturday's preceding the convening of the circuit and the chancery courts of Jackson county, on Monday, and for as long as he deems necessary, not exceeding thirty days, except in case the circuit and chancery courts of said county shall follow close upon each other, then said adjournment shall continue until the adjournment of said circuit and chancery courts; Provided, That the first term of said court shall be held on the first Monday in April, 1893.

SEC. 7. Be it further enacted, That in all civil cases at law, in said city court, the defendant shall be required by the summons therein served upon him to appear and plead or demur to the complaint within thirty days after said service of summons and complaint, whether such service shall be executed in term time or vacation. In cases commenced otherwise than by suing out and service of summons and complaint, defendants shall appear and plead or demur, within twenty days alter perfection of service, notice or publication upon or to them, whether the same shall occur in term time or vacation, and in all cases after twenty days from ser-

vice of notice or perfection of publication, such cause shall be at issue, and triable when the same shall be reached on the regular call of the docket. Any defendant failing for more than twenty days after such service, notice or perfection of publication in any cause to appear and plead or demur, shall be held in default and judgment by default may be taken against him whenever such cause shall be reached on the call of the docket; Provided, That for good cause shown, the judge of said court may allow demurrers, pleas and other defenses to be filed after twenty days on such terms as he may think just. Notice and pleadings.

SEC. 8. Be it further enacted, That all original and mesne process issuing from said court shall be executed instanter, and returned immediately upon execution thereof, by the officer receiving the same.

SEC. 9. Be it further enacted, That all appeals in civil cases at law from inferior courts to the said city court, shall stand for trial when reached on the regular call of the docket, at any time after ten days notice of the suing out of such appeal, shall have been given the adverse party as required by law. Appeals.

SEC. 10. Be it further enacted, That the solicitor of Jackson county shall be the solicitor for the city Court of Bridgeport, and said solicitor shall be charged with the performance of the same duties in said city court, and subject to the same liabilities and penalties in respect thereto, as are by law imposed upon the solicitors of the State, and said solicitor shall receive for his compensation for such service the same fees as are by law taxed for solicitors in the circuit court of Jackson county, to be taxed and collected in the said city court in the same manner as such fees are now taxed and collected in said county of Jackson. That the solicitor of said city court shall have a claim against the fine and forfeiture fund of said county, for his fees in cases where convictions are secured, and the fees can not be collected. Solicitor.

SEC 11. Be it further enacted, That whenever the judge of this court shall deem, it expedient to do so he may by an order entered upon the minutes of this court,

a copy of which shall be served upon each member of the jury commission of the county of Jackson, require the said jury commission at the next meeting of the commissioners court held thereafter or earlier if he shall so direct, to draw such number of petit jurors as said judge may deem necessary, and when lists of the same are so drawn, and enveloped and endorsed by said commission, said jury list will be filed with the clerk of this court, and said jurors so drawn shall be summoned, as now required by law for such weeks as the judge of said city court may designate, which summons shall be executed at least ten days before said jurors are required to appear, and when so drawn and summoned said jurors shall be sworn and empanelled as required by law. The challenges of jurors in any case shall be the same as now provided by law, and all laws applicable to the jurors, and juries in the circuit courts of the State shall apply equally in this court, except as otherwise provided in this act, and when ordered by the judge of the said city court the president of the said board of jury commissioners, or the member of said board having the custody of said jury box, shall be required to attend on such day of the term of said court as directed by said court, with the jury box of said county; Provided, That said jurors so drawn shall be residents of the territory covered by said court, as defined by section 2 of this act.

Juries.

SEC. 12. Be it further enacted, That in all civil cases in said city court the issues and questions of facts shall be tried by the Court without the intervention of a jury unless a jury be demanded by the plaintiff at the commencement of the suit, or when the cause is at issue, or by the defendant at his appearance by endorsing such demand in writing on the summons and complaint, plea or demurrer; Provided, That when a cause is transferred to said city court, the demand must be made at the time of the application for said transfer, and a failure to demand a jury as directed shall be deemed a waiver of this right of trial by jury; And provided, further, That when a cause shall have been tried by the court without the intervention of a jury, and a new trial given by the court, or when the same shall have been reversed and remanded by the supreme court, that either party in said cause may demand a jury; And, provided, further, That no jury shall be allowed for the trial of any cause where the

Trials without jury.

amount in controversy does not exceed the sum of twenty dollars; And provided, further, That the party so demanding a jury shall deposit with the clerk of this court, the sum of four dollars as a jury tax fee.

SEC. 13. Be it further enacted, That on an appeal from a judgment of said city court rendered in any cause tried without a jury, in addition to the questions which may be under existing laws, presented to the court for review, either party may, by bill of exceptions, also present the conclusions and judgment of the court on the evidence, and the supreme court shall review the same without any presumption in favor of the court below on the evidence, and if there be error, shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings as to the supreme court shall seem just. Questions on appeal.

SEC. 14. Be it further enacted, That the venue of any cause in said city court may be changed to other counties than Jackson under the same rules and regulations as govern changes of venue in the circuit court of the State. Causes that are now or may hereafter be pending in the circuit court of Jackson county, may be transferred by the consent of the parties thereto to the city court of Bridgeport, which shall thereupon proceed to dispose of the same as if they had been originally instituted in said city court, and in like manner cases may be transferred to the circuit court from said city court of Bridgeport, and the clerk of the court from which said causes shall be transferred shall deliver all the papers, pleadings and evidence pertaining to said causes, together with a certified transcript of all minute entries made therein to the clerk of the court to which said cause shall be so transferred. Transfer of cases.

SEC. 15. Be it further enacted, That appeals may be taken to said city court from inferior courts of the county of Jackson, within the jurisdiction of said city court as defined by section 2 of this act, in all cases where appeals may under the now or hereafter existing statutes be taken from inferior courts to the circuit courts of said county and in the same manner. Appeals.

SEC. 16. Be it further enacted, That the supreme court shall have appellate and supervisory jurisdiction over said city court and cases may be appealed or removed to the supreme court in the same manner and under the Jurisdiction of supreme court

same rules that cases are now appealed Or removed to said supreme court from the circuit courts of the State, and the appellate and supervisory jurisdiction of the supreme court over said city court or the judge thereof shall be exercised in the same manner as in like cases it is exercised over the circuit courts or the judges thereof.

SEC. 17. Be it further enacted, That the salary
Salary. of the judge of said city court shall be fifteen hundred dollars per annum, and the same shall be paid quarterly, out of the treasury of the county of Jackson, upon warrant drawn by the probate judge of said county, and the same shall be a preferred claim against said county.

SEC. 18. Be it further enacted, That the sheriff of Jackson county shall be required to attend said city court,
Duties of sheriff. either in person or by deputy, and preserve order and execute and return all its process, arid perform such other duties in all respects as in the circuit court, and he shall furnish all other such subordinate officers as may be necessary to expedite the business of said court, the same as he is now required to do under the laws governing him as officer of the circuit court of said county. The fees of the officers of said city court for services ren-
Fees. dered, and the compensation of jurors and witnesses therein, shall be the same as are or may hereafter be allowed for like services in the circuit courts of the State, and payable in the same manner, and such officers, jurors, and witnesses shall be subject to the same penalties and liabilities as when acting under the authority of the circuit court of the State. The judge of said city court shall have the power and authority to appoint a solicitor pro tempore in cases of the absence or disqualification of the solicitor of the county, who for convictions under his prosecutions shall be entitled to the same fees as the solicitor of the county.

SEC. 19. Be it further enacted, That there may be
Adjournments. temporary adjournments of said city court during the terms thereof, such as may be deemed expedient and proper by the judge of the same.

SEC. 20. Be it further enacted, That after ten days from the rendition of any judgment in said city court, unless said judgment direct otherwise, the clerk of the said city court unless ordered not to do so in writing

entered upon the order book, to be kept for that purpose, and signed by the person entitled thereto, his agent or attorney, shall issue execution venditioni exponas, or other writ ordered by said judgment in term time returnable to the next term of the said court; Provided, that nothing herein contained shall prevent any person from making affidavit and having execution issued immediately as now provided by law; Provided further, that unless executions have been otherwise issued, they shall be issued as returnable as now provided by law in the circuit courts of the State; And provided further, that nothing herein contained shall prevent the superseding of any execution after issuance of the same upon filing bond as now required by law. Executions.

SEC. 21. Be it further enacted, That the fines and forfeitures accruing in said city court shall be payable only in money, and shall be collected in the same manner as fines and forfeitures are now collected in the circuit court of Jackson county, and shall be paid to the clerk of said court and by him shall be paid, together with said jury tax fees, into the treasury of said Jackson county; the said jury tax fees to be placed in the general fund of said county, and the amounts arising from fines and forfeitures, to be placed in the fine and forfeiture fund of said county, and shall make such payments quarterly, commencing April lst 1893, and on the 1st day of July and October 1893, and January 1894, and such days in each year thereafter. The clerk of said court shall make a report in writing under oath to the county treasurer of said county, showing the number of convictions, the offense for which each was convicted, and the fines assessed against each, and the number of forfeitures taken, the jury tax fees, and the amounts of solicitors fees taxed, together with the amounts collected in each case, and the disbursements of same which have accrued in said city court during the quarter preceding, and shall at such time pay over to such treasurer all such moneys coming from either source above mentioned which shall be in his hands. Disposition of fines and forfeitures.

SEC. 22. Be it further enacted, That all laws of a general nature now in force or that may be hereafter

enacted giving jurisdiction to circuit courts shall be held to extend to, and apply to the said city court of Bridgeport, although the said city court of Bridgeport may not be mentioned therein, unless the contrary be expressly provided, and unless they are contrary to the provisions of this act, or to the rules of practice which the judge of this court may adopt under this act.

Laws applicable.

SEC. 23. Be it further enacted, That all cases of misdemeanors by appeal from the justice of the peace or other courts of said county to the said city court shall be tried upon the complaint of the solicitor filed in the cause which complaint shall be in the form of such sufficiency as required by law, and shall be subject to amendment.

Appeal trails.

SEC. 24. Be it further enacted, That misdemeanors in said city court shall be tried by the judge thereof without a jury unless a trial by jury be demanded, and the failure to make such demand shall be held a waiver of trial by jury.

Misdemeanors

SEC. 25. Be it further enacted, That when a person is indicted by the grand jury of said county for a charge of misdemeanor committed within the limits defined by section 2 of this act, the clerk of the circuit court shall transfer such cause to said city court of Bridgeport and issue all necessary process thereon, and such transfer shall give to said city court jurisdiction of the cause and no question of jurisdiction shall be raised by plea or otherwise in said city court. Any undertaking of bail conditioned for the appearance of the defendant to answer a charge of misdemeanors in the circuit court shall, upon indictment being found therein and transferred to said city court, be held to require the accused to appear and answer the charge in said city court, and such undertaking may be there enforced in all respects as might have been had the cause remained and the default occurred in the circuit court. In such transferred causes, the sheriff may admit to bail as in other cases of misdemeanor.

Transfer of misdemeanors

SEC. 26. Be it further enacted, That final judgment rendered in said city court shall after the expiration of ten days from their rendition be taken and

Trial judgments.

deemed as completely beyond the control of the court as if the term of the court at which said judgment was rendered had ended at the end of ten days; Provided however, that nothing herein contained shall prevent parties from applying for a new trial or rehearing within the said ten days or destroy or change the effects of motions for new trials or rehearing when made, or shall prevent parties from applying to said court for a rehearing under the statute authorizing applications for a rehearing in the circuit courts, or prevent the court from re-trying any cause under section 2871 of the code of Alabama, or shall prevent the court from the exercise of any power or jurisdiction conferred upon the circuit court touching final judgment.

SEC. 27. Be it further enacted, That judgment in said court for the payment of money may be certified to, and registered in the office of the judge of probate, and thereby made liens on the property of the defendant as now provided by law for the registration of judgments and decrees. Certifying judgments.

SEC. 28. Be it further enacted, That in all civil cases this court may set down any cases for rehearing on the pleading alone, and render judgment or judgments thereon and from which judgment or ruling, an appeal will lie to the supreme court to be taken within thirty days after the rendition of said judgment, and nothing herein contained shall prevent an assignment of errors on such judgment on appeal taken after the final determination of the cause if the appeals are not taken under this section. Re-hearings.

SEC. 29. Be it further enacted, That it shall be the duty of the clerk of this court to procure the necessary and suitable books of record and stationery and furniture for the preservation of books and files of said city court at the expense of said county of Jackson, to be paid by the treasurer upon order of the commissioners court of the said county. Record books, &c.

SEC. 30. Be it further enacted, That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved Feb. 21, 1893, at 5:15 o'clock, p. m.

No. 436.] AN ACT [H. B. 436.

To provide for the holding of an election by the qualified voters in Eden election precinct number fifteen (15), in St. Clair county, Alabama, on the question of selling, bartering or giving away spirituous, vinous or malt liquors, or intoxicating bitters or beverages in said election precinct, and for carrying into effect the result of such election.

Section 1. Be it enacted by the General Assembly of Alabama, That within twenty days after the passage of this act it shall be the duty of the probate judge of St. Clair county to order an election to be held in and for Eden election precinct number fifteen, in said county, at the voting place in the town of Eden, in said precinct, to ascertain the vote of the election therein on the question of selling, bartering or giving away spirituous, vinous or malt liquors, or intoxicating bitters or beverages within the limits of said election precinct, and for this purpose such probate judge shall appoint three house holders or free holders, electors residing in such precinct, managers of such election, to open and hold such election on the day designated by such judge, to be not less than ten nor more than twenty days after the making of such order.

Election order

SEC. 2. Be it further enacted, That such probate judge shall give notice of such election by posting three written notices thereof, one of which shall be at the court house door of said county, at Ashville, one at Eden and one at Pell City, which notices shall designate the time and place of holding such election, the objects and purposes thereof, and the names of the managers, together with the name of the returning officer of such election, who shall be appointed by such probate judge at the time of appointing such election managers. The managers and returning officer shall have personal notice, to be issued by such judge and served by the sheriff of said county, for at least five days before the time fixed for the holding of such election.

Notice of election.

SEC. 3. Be it further enacted, That on the day so appointed for the holding of such election, said managers, at the hour of nine o'clock in the morning, or in

case they fail to attend at such time and place, any three free holders or house holders of said election precinct, shall open and hold such election, closing the same at the hour of three o'clock in the evening of such day, at which election all male persons over twenty-one years of age, who have resided in the State twelve months, in the county three, and in the precinct thirty days, and who are, under the laws of this State, entitled at any general election to vote for governor, or shall be eligible to vote at the election so provided for in this act. That those voting against the selling, bartering or giving away spirituous, vinous or malt liquors, or intoxicating bitters or beverages in said election precinct, shall prepare a ticket as provided for by law, and write or print thereon the words "For prohibition," and those who favor the selling, bartering or giving away spirituous, vinous or malt liquors, or intoxicating bitters or beverages in said election precinct, voting at said election, shall so prepare their tickets and write thereon " No prohibition."

Holding elections.

SEC. 4. Be it further enacted, That after such election shall have been closed, it shall be the duty of such election managers to count out and ascertain the number of votes cast at such election for and against prohibition, and certify the result, which, together with the votes and poll list, shall be by them sealed up in an envelope, addressed to the probate judge of St. Clair county, and then delivered to such returning officer of precinct, and if not, to some reliable person, resident of such election precinct, whose duty it shall be, within the next forty-eight hours, to deliver such papers to the probate judge of said county, at his office in Ashville.

Results certified.

SEC. 5. Be it further enacted, That it shall be the duty of the probate judge, within the next twenty-four hours after receiving such returns, to open, ascertain and declare the result of such election, and if it appears that a majority of the votes cast at such election were in favor of prohibition, he shall make and enter an order on the minutes of the probate court, ascertaining such fact, and order and decree that hereafter no vinous, spirituous or malt liquors, or intoxicating bitters or beverages shall be sold, bartered or

Declaring result.

given away in any portion of said election precinct number fifteen (15), and that it shall be unlawful for any person to do so. That said probate judge shall, within five days after making such order and decree, post a copy of the same at three public places in said election precinct.

SEC. 6. Be it further enacted, That if, on so ascertaining the vote so cast, he shall ascertain that a majority of the votes so polled were against prohibition, then such judge shall make and place an order on his minutes aforesaid, showing such ascertainment, and post a notice in such precinct to that effect, and thereafter it shall not be unlawful to sell vinous, malt or spirituous liquors, or intoxicating bitters or beverages in said precinct, so far as the provisions of this act are concerned. This act shall not be held to repeal any law now in force in reference to any prohibiting law over any portion of said election precinct.

Sale of liquors.

SEC. 7. Be it further enacted, That no license shall be granted to sell vinous, spirituous or malt liquors, or intoxicating bitters in any portion of said election precinct until the election is held and declared, by the provisions of this act, and not then if a majority of the voters voting at said election vote for prohibition.

When no license to issue.

SEC. 8. Be it further enacted, That any person voting at said election who is not a duly qualified voter under the provisions of this act, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred nor more than two hundred dollars.

Illegal voting.

SEC. 9. Be it further enacted, That said inspectors may administer the oath to each other, to faithfully and fairly conduct and conclude said election.

Oaths of inspectors.

SEC. 10. Be it further enacted, That if any officer charged with carrying into effect this act fails or neglects to do so, he shall be guilty of a misdemeanor, and, on conviction, shall be lined in a sum not leas than two hundred dollars.

Official failure.

Approved February 21, 1893.

No. 437.] AN ACT [H. B. 877

To provide for the reclaiming by the State of certain lands, and to make disposition of certain other lands in lieu thereof, and as compensation therefor.

WHEREAS, The government of the United States did, by act of congress approved the 28th day of September, 1850, and by the various acts supplementary thereof, and amendatory thereto, grant to the State of Alabama certain lands; and did, subsequently thereto, dispose of various and sundry parcels, pieces or tracts thereof; and

WHEREAS, Under the provisions of an act approved 28th day of February, 1887, the governor of Alabama was authorized to appoint an agent to prosecute the State's claim against the government for the value of said lands so disposed of and to which the State was entitled, and providing that he be paid for his services rendered and expenses incurred, not exceeding twenty-five per cent. of the laud recovered; and

WHEREAS, John H. Caldwell was appointed as agent for the State under the said act to prosecute the State's claim against the government for the value of said lands so disposed of; and Preamble.

WHEREAS, The said Caldwell did recover for the State thirteen thousand eight hundred and seventy-five and fifiy-three-one hundredths (13,875 53-100) acres of pine lands as indemnity, or in lieu of the said lands so disposed of by the government, and to which the State was justly entitled; and

WHEREAS, Three thousand four hundred and seventy-two and seventy-two-one-hundredths (3,472 72-100) acres of said lands were set off by the State, to said Caldwell for his services rendered and expenses incurred in the prosecution and recovery of said lands; and

WHEREAS, The said lands so set off to said Caldwell are very much scattered and intermixed with the State's other lands; and

WHEREAS, It is detrimental to the State's interests to have its lands thus cut up by private holdings scattered about in it, and at the same time the compensation to its

agent would be more just and equitable if all the lands granted to him lay as nearly as might be in a body; therefore,

Section 1. Be it enacted by the General Assembly of Alabama, That upon the reconveyance to the State by said John H. Caldwell, revesting in the State all his right title and interest in and to the following lands, being the same lands assigned to him, as aforesaid, for his said services and expenses in recovering to the State the said lands, to-wit: Southeast quarter of southwest quarter, section 20; west half of southeast quarter and southwest quarter of northeast quarter, section 26, township 10 north, range 1 east; southwest quarter of southwest quarter, section 28, northwest quarter of northwest quarter; section 33, township 10,' north, range 4 east; west half of southest quarter, section 23, and southeast quarter of southeast quarter, section 27, township 9 north, range 1 east; southeast quarter of northeast quarter, section 32, township 9, north, range 4 east; northeast quarter of northwest quarter, section 14, township 8, north, range 2 east; south half of southwest quarter and southwest quarter of southeast quarter, section 2, east half of southeast quarter, southeast quarter of northeast quarter, section 28, west half of southwest quarter and west half of northwest quarter, section 34, east half of southeast quarter, section 13, east half of northeast quarter, section 23, township 3 north, range 7 east; the southwest quarter of the northeast quarter and northeast quarter of south west quarter, section 14, northwest quarter and west half of southwest quarter, section 36, township 1 north, range 13 east; southeast quarter of southeast quarter section 22, southwest quarter of southeast quarter, and southeast quarter of southwest quarter, section 24, and southeast quarter of northeast quarter and northeast quarter of southeast quarter, section 26, and southeast quarter of southeast quarter, section 28, and east half of northwest quarter, northwest quarter of northwest quarter, and northwest quarter of northeast quarter, section 34, and east half of southeast quarter, section 36, township 2 north, range 14 east; southwest quarter of southeast quarter, section 30, township 2 north, range 20 east; south half of southeast quarter, and south half of southwest quarter, section 31, township 1 north, range 22 east; west half of northwest quarter, section 26, subdivision E, or

Lands to be conveyed to the State.

southeast quarter of south west quarter, section 34, subdivision C, or southeast quarter of northeast quarter, sec- 27, township 2 north, range 22 east; southeast quarter of southwest quarter, section 24, northeast quarter, and northeast quarter of southeast quarter, section 25, township 1 north, range 23 east; northwest quarter of southwest quarter, section 18 ; west half of northwest quarter and northwest quarter of southwest quarter, section 30, township 1 north, range 24 east; southwest quarter of southwest quarter, section thirty-one, township two, north, range 24 east; southwest quarter of southeast quarter, section 36, township 4 north, range 24 east; northeast quarter of northeast quarter, section 4, east half of northeast quarter, section 14, and northwest quarter and northwest quarter of southwest quarter, section 23, township 1 north, range 28 east; northwest quarter of northeast quarter, and east half of northwest quarter, southwest quarter of northwest quarter, and northwest quarter of southwest quarter, section 36, township 2 north, range 28, east; northwest quarter of northeast quarter, and west half of northwest quarter, section 27, township 2 north, range 29 east; southeast quarter of southeast quarter, section 1, and northwest quarter of northeast quarter, section 12, township 7 north, range 16 east; south half of southeast quarter, section 2, township 8 north, range 19 east, containing in all 3472 72 100 acres, and lying and being in St. Stephens meridian in Alabama, the governor be and he is hereby authorized and required to have patents executed and delivered to said Caldwell, conveying to him all the State's right, title and interest in and to the following lands, to-wit: West half of southwest quarter and southeast quarter of southwest quarter, section 29, southeast quarter and south east quarter of southwest quarter, section 30, southwest quarter and south half of southeast quarter, section 31, township 8 north, range 3 east; northeast quarter, north half of southeast quarter, and southeast quarter of southeast quarter, section 1, west half of northeast quarter, and west half of southeast quarter, section 10, northeast quarter of northwest quarter, southwest quarter of northwest quarter, section 12, township 7 north, range 2 east; northwest quarter of southeast quarter, northwest quarter and east half of southwest quarter, section 4, north- half of southwest quarter, north half of southeast quarter and southwest quarter of southeast

Lands to be conveyed to Caldwell.

quarter, section 5, north half, west half of southeast quarter and southwest quarter, section 6, north half of northwest quarter and south half of southwest quarter, section 7, southwest quarter of northeast quarter, and west half of southeast quarter, section 8, northwest quarter and southeast quarter of southwest quarter, section 9, northeast quarter and southeast quarter of northwest quarter, section 17, west half of northwest quarter, and southeast quarter of southeast quarter, section 18, township 7, north, range 3 east, containing in all 3453 72-100 acres more or less, lying and being in St. Stephens' meridian in Alabama, which said lands are to be taken by said Caldwell as full indemnity for and in lieu of the said lands heretofore assigned to him, as above set forth- and in full and complete settlement and satisfaction for all compensation for service rendered and expenses incurred in prosecuting and securing to the State the said lands under said contract.

Approved Feb. 21,1893.

No. 438.] AN ACT [H. B. 328.

To incorporate the Gulf and Northern Railroad Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That William J. Vankirk, George F. Moore, Thomas J. Scott, and Julius P. Knabe, and such other persons as they may associate with themselves, be and they are hereby constituted a body, politic and corporate, by the name of the "Gulf and Northern Railroad Company," and by that name are authorized to sue and be sued, to make a common seal, and the same to break, alter or renew at pleasure; to have and to hold real and personal property for the present and future business of the company, as well as all such other property, real or personal, stock or shares in any other corporation, as said company may otherwise acquire by purchase, gift, devise, bequest or donation for investment, extension, or developement, and to have

Name and general powers.

and enjoy and secure their franchises, rights and powers within any other State that may grant, authorize, permit, or recognize the same; to make all such rules, regulations and by-laws for the management, control and direction of said corporation, and the construction, equipment, maintenance and operation of the railroad hereinafter described as they may deem necessary or proper which are not contrary to the laws of this State or of the United States; and, generally, to have, use, enjoy and exercise, all the rights, powers, privileges and immunities belonging or pertaining to corporate bodies, and necessary or proper for carrying out in full the objects and purposes of this act.

SEC. 2. Be it further enacted, That said corporation is hereby authorized to survey, locate, construct, equip, maintain and operate a line or lines of railroad, with one or more tracks, of such gauge as may be desired, from such point at or near Troy, in the county of Pike, in this State, or from such point at or near Luverne, in the county of Crenshaw, in this State, as said company may determine; to some point at or near Brewton, in Escambia county, Alabama, or to such point on the boundary line between the States of Alabama and Florida, in the county of Escambia, or in the county of Covington, as said corporation may determine, and by such route or routes as said company may deem most feasible, and said company is hereby authorized and empowered to acquire by gift, devise, donation or purchase, or to take and condemn, upon the terms and conditions, and by the use of the procedure now established by the general laws of this State providing for the condemnation of lands, or any interest therein, for the use of corporations. All lands, or any easements or interest therein, necessary for the construction, maintenance, safety and operation of said railroad, or for the right of way of said railroad, its branches or extensions, or for necessary side tracks, turnouts, depot, depot grounds, section houses and car shops; Provided, that the right of way for the main line or lines of said railroad or its branches shall not exceed one hundred feet in width.

Lay out and build road.

SEC. 3. Be it further enacted, That said corpora-

tion shall have the right to hold, use and enjoy, and to sell, mortgage or exchange all such real estate as may be conveyed to it in payment of subscriptions to the capital stock, or which may be donated to it for any purpose, and it may lease, sell, pledge, hypothecate or mortgage any or all of its property or franchises, to secure any indebtedness or to borrow, or raise money, to construct, equip, maintain, keep in repair, or operate its said line or lines of railroad, or any part thereof; and may issue its bonds secured by mortgage or any or all of its property or franchises, bearing such rate of interest and issued in such denominations, and becoming due, both as to principal and interest, at such times as a majority of the stockholders in said company shall decide, and to raise money to construct, maintain or operate its said line or lines of railroad, negotiate and sell or hypothecate and pledge said bonds as it may deem most conducive to the interest of said company.

Disposition of property.

Bonds.

SEC. 4. Be it further enacted, That the bonds, mortgages or other indebtedness of said company may be endorsed or guaranteed, either as to the principal or interest thereof, by any person, firm or corporation, residing in this State, or elsewhere, who or which is capable in law of making a valid endorsement or guaranty of such bonds, mortgages or other evidences of indebtedness, and such guaranty or endorsement may be protected by said company, in any manner in which the majority of the stockholders in number and value may determine.

Guaranty of bonds.

SEC. 5. Be it further enacted, That said corporation shall have the right, power and authority to consolidate, or be consolidated with, or to amalgamate or be amalgamated with, any other railroad company by a vote of a majority in value of its stockholders, expressed in writing and recorded on the minute book of the other company, upon such terms as may be fixed by such majority of its stockholders, and in such mode and manner as the directors may determine, and such like majority of stockholders, by expressing their consent in writing, and having the same recorded in like manner, may sell, lease, or authorize the directors to sell or

Consolidation with other roads.

lease, upon such terms as they may fix, any or all of the property, rights or franchises of said railroad company, but no such consolidation, amalgamation or lease, shall take effect until after the majority stockholders shall have taken or offered to take the stock of those stockholders who do not agree to the terms on which such consolidation, amalgation, sale or lease is made, and pay the highest market value for said stock during the perion of three months next preceding the date of such consolidation, sale, amalgation or lease.

SEC. 6. Be it further enacted, That said corporation shall have the right to cross or intersect any other railroad and be built along the right of way of any other railroad company for a distance of not more than ten miles, and in case the right to do so is denied by any such railroad company, said Gulf and Northern railroad company is hereby authorized to initiate and conduct to their termination as many condemnation proceedings as may be necessary for the purpose of acquiring by condemnation the right to cross or intersect the track or tracks of any other railroad company, or build along the right of way of any other railroad company, under the general laws of this State, as provided in section 3207 of the code, and the acts of the general assembly of Alabama amendatory thereof and supplementary thereto.

Crossing or building on other roads.

SEC. 7. Be it further enacted, That said corporation may, for the purpose of making through lines for the transportation of freight and passengers make common stock with any other railroad company in this State or elsewhere, or may sell or lease to any other company in this State or elsewhere, any or all of its property or franchises, or for such purpose may acquire by lease or purchase or by purchase or acquisition of stock therein the railroad franchises or property of any other railroad company chartered in this State or elsewhere.

May make commom stock

SEC. 8. Be it further enacted, That said corporation shall have the right to build any of its lines or tracks on or across or along the public roads or highways of the country, or across or along the streets of any incorporated town or city through or over which it may be necessary to pass; Provided, that after the construction of said railroad, said streets, roads and highways, shall be restored to as good condition as practicable, and the consent of the

Crossing streets, etc.

proper authorities of any incorporated town or city, for use of streets, or alleys shall be first had before said railroad shall be extended over, across or along the said streets.

SEC. 9. Be it further enacted, That said corporation may in lieu of constructing any portion of its line, lines or branches, purchase in fee, or acquire by lease for a term not exceeding twenty years, the road bed and other property of any other railroad or any portion of such other railroad whose line, lines or branches may be located in whole or in part along or near the line of its proposed rail road or branches, and for the purpose of purchasing said road, said Gulf and Northern railroad company may acquire the stock of such other railroad by purchase, gift, donation, or otherwise and may either hold, own and vote said stock so acquired for such purpose, and vote the same in all meetings of the corporation whose stock it has so acquired, or may consolidate or amalgamate itself with such corporation the stock of which it has acquired as is provided hereinbefore, and after acquiring said roads or any portion of them, said corporation may exercise any of their rights and franchises just as if the same had been directly conferred upon them by this act.

May acquire other routes.

SEC. 10. Be it further enacted, That the capital stock of said corporation shall be two million five hundred thousand dollars, divided into shares of one hundred dollars each. Such stock shall be deemed personal property, and may be transferred in such manner and in such places as the by-laws of said company shall direct. Said corn pany may commence operations whenever and as soon as one hundred thousand dollars of the capital stock shall be subscribed bona fide in money, labor, services or property, real or personal, or the stock of other railroad companies. That two or more of the corporators mentioned in the first section of this act shall constitute a board of corporators, and shall open books of subscriptions to the capital stock of the company in such places and in such manner as they may see fit, and subscriptions to such stock shall be taken payable in money, labor, services, or property, either real or personal, or in stock of other railroad or transportation companies, at the money value to be named in the list of subscriptions, and in the event of a failure to render the stipulated services or perform the stipulated labor, or deliver or convey the property accord-

Capital stock.

ing to the terms of the subscription, the subscriber shall be bound to pay the amount named in the subscription list in money, on such conditions, and at such times as the board of directors shall prescribe.

SEC. 11. Be it further enacted, That when one hundred thousand dollars shall have been subscribed to the capital stock of said company by bona fide subscribers, the board of corporation shall call the subscribers together by notice given in such manner as they may deem fit, for the purpose of organization, and a majority of the subscribers being present at such meeting, either in person or by proxy (but the person holding such proxy must himself be a subscriber to such stock), they shall proceed to organize said company by electing from among the stockholders themselves, not less than seven nor more than eleven directors to manage the affairs of the company for the ensuing twelve months, or until their successors are elected and duly qualified. The directors thus elected shall elect from their number a president or executive officer, and such other person or persons as they may see fit for secretary and treasurer, said officers to serve for such period, and under such conditions, and to perform such duties, as the by-laws of the company shall direct. The board of directors may meet for transacting corporate business outside of the State of Alabama.

Organization.

SEC. 12. Be it further enacted, That upon the organization of the company as aforesaid, the board of corporators shall turn over to the board of directors all the money received by them on subscriptions, and all the bonds, stock, notes, obligations taken or made by them in the organization of the company, and all such books, papers, lists, notes, stocks and other papers shall be the property of the corporation and shall be as binding as if directly taken and made to the company by the said corporators, subscribers, or others.

Money to be turned over.

SEC. 13. Be it further enacted, That said company may construct, maintain and operate a telegraph line or lines in and along and upon any and all portions of its right of way of its main line or its branches, both for its own use and for transacting business for the public for such compensation's is reasonable. That said company may also construct, own, maintain and operate telephone lines along any portion of its right of way, both for its

Telegraph and telephone lines.

own use and for the use of the public for such compensation as is reasonable. But this grant of such right to construct such telegraph or telephone lines, shall not prevent other persons or corporations from constructing similar telegraph or telephone lines along such right of way upon just compensation therefor being first paid and made.

Change of name.

SEC. 14. Be it further enacted, That the name of said corporation may be changed by a vote of a majority of the stockholders of the company in number and value, at any meeting of the stockholders called especially for that purpose, and after thirty days notice of the time and place of such meeting shall have been published in some newspaper published on the line of said road.

Bridges.

SEC. 15. Be it further enacted, That the said company is hereby authorized and empowered to erect bridges over the Patsaliga river, Conecuh river, and Yellow river, and their tributaries, and that such bridges or any of them may be so constructed as to be used for the passage of vehicles of all kinds, for the transit of animals or passengers on foot for such reasonable rates of toll as said company may fix; Provided, if any such bridge is erected over any of said rivers or their tributaries at any point where such waters are navigable streams, the location, construction, maintenance and operation of such bridges shall be in accordance with the provisions of the existing laws of this State and the United States regulating bridges over navigable streams.

Increase of capital.

SEC. 16. Be it further enacted, That said company may increase the capital stock at the meeting of the stockholders called for that purpose after thirty days notice of the time of such meeting and the purpose for which it is called shall have been given by advertisements in some newspaper published on the line of or at one of the terminii of the road, to an amount not exceeding five million dollars; that said corporation, for the purpose of buying, leasing or acquiring in any manner the line or portion of the lines of any other railroad, or the rights, property or franchises of any such railroad along its line or lines, or connecting therewith, shall have the right power and authority, which is hereby expressly conferred to take up, assume, guarantee or endorse the bonds of any other such railroad company, and to issue in lien thereof and therefor, the bonds of said Gulf and Northern

Railroad Company, upon each terms and conditions as may be agreed upon by and between the several railroad corporations, or in such amount as may be necessary to acquire all the bonds of such other railroad companies, and the said Gulf and Northern Railroad Company shall have the right, power and authority to issue its bonds for an amount not exceeding twenty five thousand dollars per mile of its road, and the same to secure by mortgage, deed of trust or otherwise, on all its property or franchises and to issue said bonds in such denominations, bearing interest at such rate, and falling due, both as to principal and interest, as a majority of its stockholders may determine by vote at a meeting called for the purpose, of which thirty days notice shall have been given in some one or more newspapers published in a county through or in which said railroad lies, and said corporation may substitute its bonds so issued for those of any railroad company which it may own, or in which it may have any interest, on such terms as the directors may determine.

Issuing bonds.

SEC. 17. Be it further enacted, That in the event of the foreclosure of any mortgage or deed of trust on any other railroad/its property or franchises, which said railroad lies parallel with, or runs across, or intersects the railroad hereby chartered, said corporation hereby chartered shall have the right to buy the same and make the same a part of its railroad, and hold, own and operate-it, without the necessity of any new organization or re-or' ganization of said corporation in any manner, and in the event of the acquisition of the road, bed, franchises, capital stock or property of any other railroad company,' the said Gulf and Northern Railroad Company shall have the right, power and authority to make the same a part of its system to the extent agreed on by it and the coin2 pany whose property is so acquired, and to hold, maintain, equip and operate it without any new organization or re-organization, but said corporation may issue new stock to its stockholders, to the extent of the reasonable value of the railroads or property so acquired by it, but the stock so issued to each stockholder shall be in proportion to the stock held by such stockholder in the Said Gulf and Northern Railroad Company.

May buy other roads.

SEC. 18. Be it further enacted, That in addition to the powers and authority herein granted, the said corpor-

ation hereby chartered shall have all the rights, powers and privileges granted to or conferred upon railroad companies organized under the general incorporation laws of this State, in and by sections (1580) fifteen hundred and eighty, (1581) fifteen hundred and eighty-one, (1586) fifteen hundred and eighty six, (1587) fifteen hundred and eighty-seven, (1591) fifteen hundred and ninety-one, (1592) fifteen hundred and ninety-two, (1593) fifteen hundred and ninety three, and (1600) sixteen hundred of the code of 1886, and the acts amendatory thereof as fully as if the same was set forth at length herein, and the said sections are hereby expressly declared to be a part of this act, except in so far as they may conflict with the provisions of this act, in which event the provisions of this act shall control and prevail.

Approved February 21, 1893.

No.439.] AN ACT [H. B. 1044

To require the board of county commissioner of reads and revenue of Washington county to lay off said county in districts for the election of said commissioners.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the board of county commissioners of roads and revenue of Washington county, and they are hereby required, to lay off said county into four commissioners' districts, irrespective, if they see fit, of the lines by which said districts are now defined; said divisions shall be made by the first day of October, 1893, and it shall be the duty of the judge of probate of said county to have notices, if such divisions or re-districting, and of the boundaries of each of said districts, posted at the court house door of said county, and in each voting precinct of said county, for sixty days before the next election for county commissioners of said county. The districts so created, when created, are hereby declared to be the regular election districts in Washington county for the election of commissioners, and election therein shall be governed as is by law now provided.

Lay off the county into districts.

SEC. 2. Be it further enacted, That all expenses attendant upon carrying out the provisions of this act shall be paid for by said court by issuing their warrant on the county treasurer, to be paid out of any money in the general fund of the county not otherwise appropriated. Expenses.

Approved February 21, 1893.

No. 440.] AN ACT [H. B. 1046

To authorize the governor to pay to Mrs. E. Jones, of Macedonia, Jackson Parish, Louisiana, the amount of the reward of two hundred dollars, offered October 21, 1890, for the arrest and delivery to the sheriff in the jail of Bibb county, of one James Tate, charged with murder in said county.

WHEREAS, On the 21st of October, 1890, the governor offered a reward of two hundred dollars for the arrest and delivery to the sheriff in the jail of Bibb county, of one James Tate, charged with murder; and

WHEREAS, Said Tate was arrested in the State of Louisiana by R. B.. Jones, sheriff of Jackson Parish, and by said sheriff brought back to this State; and

WHEREAS, Said sheriff, on his arrival at Randolph, in Bibb county, with said prisoner in his custody, was assassinated by some one lying in wait, and thereby prevented from delivering said prisoner to the sheriff in the jail of Bibb county; therefore

Be it enacted by the General Assembly of Alabama, That the governor be, and is, hereby authorized to pay the amount of said reward to Mrs. E. Jones, the widow of said R. H. Jones; and the sum of two hundred dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay said reward to said widow.

Approved Feb. 21,1893.

No.441] AN ACT [H. B. 572

To establish the Gain School District, in Marion county.

Section 1. Be it enacted by the General Assembly of Alabama, That the following described territory in the county of Marion shall constitute a separate school district, to be known as the Guin School District, to-wit:

Limits. Sections twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34), township twelve (1'2), range thirteen (13), and sections three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), township thirteen, range thirteen (13).

SEC. 2. Be it further enacted, That said school dis

Management. trict shall be in all respects managed and controlled as a school district as now provided by law for the school districts in this State; Provided, that the tax assessor of Marion county shall note the poll tax belonging to said school district.

SEC. 3. Be it further enacted, That said district shall,

Revenues. receive its pro rata of all public school revenues and all tax collected as poll tax within the limits of said district.

SEC. 4. Be it further enacted, That five commission-

Commissioners. ers shall be elected by the patrons of the said school district in the manner now provided by law for election of township trustees, who shall have control of the schools and school property in said district, and shall elect all teachers for the schools in said district, supervise, regulate and carry on the schools in said district, and make the same efficient by whatever rules they may adopt, not in conflict with law.

Approved February 21, 1693.

No. 442.] AN ACT [H.B.629.

To amend section one (1) of an act to establish partial stock law districts in Talladega county, approved Feb. 6, 1891, so as to exempt beat 3, as now constituted, from the provisions of said act.

Section 1. Be it enacted by the General Assembly of Alabama, That section one (1) of an act to establish stock law districts in Talladega county, approved Feb. 6, 1891, be, and the same is, hereby repealed so far as the provisions of the same apply to beat 3, as now constituted, in said county of Talladega.

Approved February 21, 1893.

No. 443.] AN ACT [H.B.623.

To regulate sheriffs' sales in Shelby county.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act all sheriffs' sales in Shelby county shall conform to the general law governing sheriffs' sales in said State, in force at the time of such sales, in respect as to time, place and manner of such sales, and the manner of advertising the same, and in all other respects.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 21, 1893.

No. 444.] AN ACT [s. 543.

To provide a system of water works for the city of Cullman; to issue bonds for said purpose; and to create a board of water works Commissioners, to manage, maintain and control the said water works.

Section 1. Be it enacted by the General Assembly of Alabama, That the city of Cullman be and it is hereby

authorized to buy, or to erect and maintain, and to op-
Buying or erating water works for the supply of the city of Cullman
erecting works and its inhabitants with water; and that full power be
and is hereby given to the mayor and council of Cull-
man to enter into, and to make all needful contracts re-
quired, or locations for machinery and reservoirs, stand
pipes, buildings and other parts of such system of water
works, and, also, for rights of way for the erection, lay-
ing, maintenance and operation of such water works,
and in the event of not contracting for such locations
and rights of way, to condemn the same by judicial pro-
ceedings in the mode now or hereafter provided by law
for the taking of private property by said city for use as
public streets.

SEC. 2. Be it further enacted, That the said mayor and
city council shall be, and are hereby invested with full
Rates. power to made all proper regulations for preserving,
maintaining and operating such water works when es-
tablished, and to collect such rates for water supplied as
it may deem just and proper, but not to exceed the usual
rates charged by other cities similarly situated for like
service; and to regulate all plumbing and drain laying,
and other works done for said city, or for persons using
or intending to use such water works. And said mayor
and city council shall be and are hereby authorized to
extend the same into any part of the city they may deem
proper, and in that event all the powers heretofore given
shall apply to such portion of such water works.

SEC. 3. Be it further enacted, That for the purpose
aforesaid, the mayor and council of the city of Cullman
Bonds. be and are hereby authorized to issue bonds of the said
city of Cullman to an amount not to exceed the sum of
thirty thousand dollars, or so much thereof as may be
deemed necessary by the board of water works commis-
sioners hereinafter created, in denominations of not less
than one hundred dollars, nor more than one thousand
dollars, each, payable twenty to thirty years from date of
issuance, with interest coupons attached at the rate of
not higher than six per cent. per annum, and payable
semi-annually to bearer. Said bonds and coupons being
payable in gold of the present standard weight and fine-
ness at such place, either within or without the State, as
the said mayor, and council may designate.

SEC. 4. Be it further enacted, That the bonds author-

ized to be issued under this act shall be signed by the mayor and countersigned by the treasurer of said city, and the seal of said city shall be affixed thereto by said mayor; and the city treasurer must keep a correct record and account of all bonds issued and disposed of, which record must describe said bonds fully, and must show also the purchasers thereof and the date of such purchase, and the amount for which they were negotiated. Bonds to be signed.

SEC 5. Be it further enacted, That said mayor and council are hereby authorized to do any and all things that may be necessary to carry out the powers herein granted to them, and no tecnnical informality, irregularity, neglect or omission in the proceedings or record of said board shall in any wise affect the validity of said bonds or coupons; and said bonds and coupons shall have all the properties and protection of commercial papers and shall be receivable for all dues to the city.

SEC. 6. Be it further enacted, That before any bonds are issued or sold under this act, that there shall be held in the city of Cullman, by the mayor and council, under the existing rules and regulations as to elections of mayor and council, except that the election may be held so soon after the approval of this act as said mayor and council may determine, an election of the qualified voters of said city at which shall be submitted to them the question of "bonds" or "no bonds"; those desiring bonds will vote a ballot upon which is written or printed the words, "For bonds" ; and those not. desiring the issue of bonds will vote a ballot upon which is written or printed the words "No bonds," and if, upon the counting of the votes at such election, a majority of those voting at said election vote "For bonds," then this act as to the issuing of bonds shall immediately take effect, and bonds may be issued under the provisions herein ; but, if a majority of the qualified voters at such election vote, "No bonds," then no bonds can be issued under this act, and this act shall be inoperative so far as the issuing of said bonds are concerned. This election shall be held upon the notice of the time and place of holding the election which are required in the city charter, and shall be conducted, returns made and and votes counted in the same manner as therein prescribed. The result of said election shall be made by proclamation thereof by the mayor in any newspaper Election as to issuing of bonds.

published in the city of Cullman by two insertions therein, and record of said election shall be made upon the records of the city by the mayor and council.

SEC. 7. Be it further enacted, That said mayor and council are hereby authorized to negotiate and sell the said bonds issued under this act, and said bonds shall only be negotiated and sold under the written orders of the board of water works commissioners hereinafter created, to said mayor and council, and when and in the amounts said board may designate ; but said bonds shall not be sold for less than the face value of the same, and the proceeds of said bonds shall be paid over to and receipted for by the city treasurer, who shall keep all monies derived from this source in a separate account and as a separate fund, to be used and applied exclusively for the purposes here mentioned ; and to be paid out upon the orders or warrants of said boards of water works commissioners.

Sale of bonds.

SEC. 8. Be it further enacted, That for the faithful expenditure of the proceeds of the said bonds, and to erect or to buy water works or any part of the same, under the direction of the mayor and council, there is hereby created a board of water works commissioners, which shall consist of five persons, who shall have been resident citizens and householders and freeholders of the city of Cullman, for at least twelve months before their election, to be elected by the qualified voters of the city of Cullman, at the time and in the same manner as the mayor and councilmen are elected ; and that the first election shall be held under this act at the city election in April, 1893; and at which election two members thereof shall he elected for a term of two years, and three members thereof for the term of four years; and at each regular city election thereafter, there shall be elected the same number of members of said board as the number of members whose term of office is about to expire for the term of four years each, or until their successors are duly elected and qualified, so that no vacancy shall occur in said board. That whenever any vacancy shall occur, from any cause, it shall be the duty of the remaining members of said board forthwith to proceed to fill the said vacancy by appointment, and the person so appointed shall continue in office until the next election, or until his successor is

Board of water works.

Vacancies.

duly elected and qualified. Said board shall, whenever any vacancy is filled by appointment, immediately certify the name of the person so appointed to the mayor and council. The board of water works commissioners shall take the same oath of office as is required to be taken by the mayor and councilmen and to be filed with the city clerk.

SEC. 9. Be it further enacted, That so soon as practicable after each election the said board shall organize by electing one of their number chairman, and a secretary thereof, both of whom shall hold office for the term of two years from their election, and are subject to removal by the said board. That the said secretary shall take the same oath of office as the mayor and councilmen, and to be filed with the city clerk. That immediately after each organization of the board of water works commissioners, they shall certify to the mayor and council the fact of such organization, stating the names of the various officers of the same.

Organization of board.

SEC. 10. Be it further enacted, That said board of water works commissioners shall carry out such resolutions and ordinances of the city of Cullman as may be passed for their regulation, and for the regulation, preserving, maintaining, operating and control of said water works. That said board shall, on the first days of January and July, submit a report in writing of their doings and of all moneys received and paid out by them, and from what source received, and for what purposes paid out, to the mayor and council of said city, which report shall be examined by them, and the statement of receipts and expenditures shall be published in some newspaper published in said city by said mayor and councilmen by two, insertions therein. That said board shall keep a true and correct minute of all their proceedings, which shall be a part of the records of the city. That no one who is a city officer can be eligible as a member of said board of water works commissioners.

Reports of board.

SEC. 11. Be it further enacted, That said board of water works commisioners and their officers and agents shall receive such compensation as may be fixed by the mayor and council.

Compensation

SEC. 12. Be it further enacted, That said city of Cullman shall have the right to redeem and pay off the said bonds at such time and at such place as it may think best. The said bonds and coupons are hereby exempted from all municipal taxes; and the bonds herein provided for shall have priority over all bonds of said city which may be hereafter issued, and it shall be the duty of the mayor and council to provide for the payment of said bonds and interest, before providing for the payment of bonds which may hereafter be issued by said city.

Redemption of bonds.

SEC. 13. Be it further enacted, That to meet the interest and principal at maturity upon any and all of the bonds issued under the authority of this act, the mayor and council shall each year make such provisions as to them may seem best and proper.

SEC. 14. Be it further enacted, That there shall be no commissions paid said treasurer for receiving or disbursing the funds arising from the sale of said bonds named in this act.

Approved February 21, 1893.

No. 446.] AN ACT [s. 5.

To create and establish an industrial school in the State of Alabama for white girls.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an industrial school for the education of white girls in Alabama is hereby established and shall be located and organized as hereinafter provided.

SEC. 2. Be it further enacted, That the governor of the State shall nominate and appoint, by and with the advice and consent of the senate, one person from each of the congressional districts of the State and two from the State at large, together with the governor, superintendent of education and auditor of the State, shall be trustees, and to serve as such for six years, except the

governor, superintendent of education and auditor of the State, who shall serve for the terms of their election by the people of Alabama. Immediately after they shall be assembled, in consequence of their first appointment they shall be divided equally into three classes. The term of the first class shall expire two years from the date of their appointment; the second class four years from the date of their appointment, and the third class at the expiration of the date of their appointment, so that one-third may be chosen every second year. If vacancy happen by resignation or otherwise, the governor may make temporary appointments until the next meeting of the General Assembly. The governor shall be ex-officio a member of said board of trustees, and shall act as president thereof in all of their meetings, when present, but in his absence they may choose a president pro tern. Five of the board of trustees shall be a quorum for the transaction of business.

Board of trustees.

SEC. 3. Be it further enacted, That the secretary of State shall furnish a certificate to each trustee within ten days of his appointment, notifying him that he has been so appointed and elected; and if any trustee fail for the space of thirty days to inform the governor of his acceptance, then his appointment shall be void and his place shall be filled as heretofore provided in cases of vacancy.

Certificate of trustees.

SEC. 4. Be it further enacted, That the board of trustees of said institute, and their successors in office be, and the same are hereby declared to be a body politic and corporate, and shall have a common seal, shall sue and be sued, contract and be contracted with, and may own, purchase, sell and convey property, both real and personal.

Body politic.

SEC. 5. Be it further enacted, That the governor shall, as ex-officio president, convene the board of trustees of said industrial school to consider any business connected with the same, whenever he shall deem it expedient to do so; that the said trustees shall elect a secretary of the board, whose duty it shall be to record in a well bound book all of the proceedings had by said

Meetings of board.

board, and shall be allowed such compensation for his or her services as the board may deem proper; that the State treasurer shall be ex-officio treasurer of said board of trustees, whose duty it shall be to secure and safely keep all moneys belonging to the Alabama Girls' Industrial School for the education of white girls in industrial branches, and to disburse the same under the order of the board of trustees.

SEC. 6. Be it further enacted, That the said board of trustees shall possess all the power necessary and proper for the accomplishment of the trust reposed in them, viz: The establishment and maintenance of a first-class industrial school for the education of white girls in the State of Alabama in industrial and scientific branches, at which said girls may acquire a thorough normal school education, together with a knowledge of kindergarten instruction and music; also a knowledge of telegraphy, stenography, photography and phonography, type-writing, printing, book-keeping, indoor carpentry, electrical construction, clay-modeling, architectural and mechanical drawing, sewing, dress-making, millinery, cooking, laundry, house, sign and fresco painting, home nursing, plumbing, and such other practical industries as, from time to time, to them may be suggested by experience or tend to promote the general object of said girls' industrial school, to-wit: fitting and preparing such girls for the practical industries of the age.

Powers of board.

SEC. 7. Be it further enacted, That the board of trustees shall appoint a president and professors of said school, and such other officers as they may think proper to put the same in successful operation, and shall make such laws, rules and regulations for the government of said officers as they may deem advisable. They shall regulate the rates of tuition, together with the course of discipline necessary to enforce the faithful discharge of the duties of all officers, professors and students. They shall divide the course of instruction into departments, so as to secure a thorough education, and the best possible instruction in all of said industrial studies, selecting careful and efficient pro-

Faculty.

lessors in each department, and shall adopt all such by-laws and regulations as they may deem necessary to carry out all of the purposes and objects of said institution.

SEC. 8. Be it further enacted, That the board of trustees, as hereinbefore provided, shall receive as compensation for their services, their actual expenses in attending any of the meetings of the board of trustees, payable out of any funds belonging to said school. Compensation of trustees.

SEC. 9. Be it further enacted, That as it is the object of this act to establish said industrial school for white girls, with as small an outlay annually as is consistent with the object to be attained, the said trustees shall prepare a general plan of said school, together with all the necessary departments, dormitories and out houses; also an estimate of the cost of necessary school furniture, including cost of buildings and department appliances, and shall build and establish in any one year, unless said building shall be secured by donation to the State, only such houses, dormitories and departments as they may deem for the best interest of said institution and of greatest practical importance. Plan of school to be prepared

SEC. 10. Be it further enacted, That the said board of trustees shall organize under the provisions of this act as soon as practicable after their appointment, and they shall immediately after their organization proceed to procure, by purchase or donation, a site for the location of the Alabama Girls' Industrial School for the education of the white girls of the State of Alabama in industrial and scientific studies. In selecting the site the trustees shall look to the convenience of the people of the State, the advantages and disadvantages of the different sites proposed, and shall locate the same at the place where most advantages are offered; Provided, that the location shall be at a place known to be free from annual epidemics; And provided further, that if the trustees to be appointed shall deem it best or the most practicable way of attaining the desired object, then it may be established as a branch of an already existing school. Site for school

SEC. 11. Be if further enacted, That as soon as said institution is prepared to receive pupils or students in three or more of the industrial studies hereinbefore enumerated, the said trustees shall apportion to each county its quota of scholars on the basis of the educable white girls between the ages of fourteen and twenty-one, in the State and several counties, and one pupil from each congressional district, whose tuition and board shall be absolutely free, and this number shall be increased from time to time as in the judgment of the trustees the finances of said institution shall warrant. Said free scholarship shall be awarded at the annual meeting of the girls' industrial school upon the recommendation of the trustee from the congressional district from which said pupil is appointed, and the several superintendents of education in the counties shall advertise it in some newspaper published in said county, and after the expiration of two weeks from said advertisement, shall, by and with the approval of the county commissioners or court of county revenues, commission such number of white girls to said institution as such county is entitled to. The presentation of such certificate, over the signature of the probate judge of said county, shall entitle the person so commissioned to admission into said school, with all its privileges for the course of study selected; Provided, that the appointing board shall give the preference to the applicants least able to educate themselves if they have the requisite qualifications; Provided, however, that nothing in the provisions of this act shall be held to prevent any white girl in this State from attending said school upon the payment of her board and tuition.

Pupils.

SEC. 12. Be it further enacted, That the sum of five thousand dollars for the year eighteen hundred and ninety-five, and ten thousand dollars for the year eighteen hundred and ninety-six, be, and the same is hereby appropriated, or so much thereof as may be necessary out of any funds in the State treasury not otherwise appropriated. The same shall be drawn from the State treasury by the board of trustees on vouchers audited by the board and approved by the governor,

Appropriation.

and filed in the auditor's office. Such vouchers shall contain a clear and full statement of the purpose for which they are given. Upon the filing of such vouchers the auditor of the State shall draw his warrant on the State treasurer for the same, from time to time, a funds may be needed to pay the officers and professors of said school, or for and other necessary and proper object connected with building, buying site and properly equipping said institution with everything needed in each department.

SEC. 13. Be it further enacted, That said board of trustees shall determine and fix the salaries of each officer, employe and professor in said institute; provided said salaries in any one department shall not exceed those now allowed to professors in the agricultural and mechanical college. Salaries of officers.

SEC. 14. Be it further enacted, That this act shall take effect and be in full force from and after the first day of January, 1895.

No. 446.] AN ACT [s. 110.

To authorize the Commissioners Courts and county Boards of Revenue to aid indigent confederate soldiers.

Be it enacted by the General Assembly of Alabama, That the commissioners courts and county boards of revenue are hereby authorized, in their discretion, to appropriate out of county funds the sum of not exceeding forty dollars per annum, payable quarterly, in aid of any indigent confederate soldier or sailor who is totally disabled from physical labor by reason of blindness, loss of leg or arm.

Approved February 21, 1893.

No.447.] AN ACT [s.389.

To constitute the city of Wetumpka a separate school district, and to provide a board of education therefor.

SECTION 1. Be it enacted by the General Assembly of Territory. Alabama, That the territory within the corporate limits of the city of Wetumpka, shall be a school district separate and apart from the remaining districts in the county of Elmore.

SEC. 2. Be it further enacted, That the public schools of the city of Wetumpka shall be under the control and management of seven suitable persons to be elected by, the board of mayor and aldermen of the city of Wetumpka, from the resident citizens of said city, at its Board of education. regular meeting in the month of March, 1893; such board of education to be divided into two classes, four in the first class and three in the second class. The first class shall hold office for the term of two years, the second class for the term of four years, and biennually thereafter the board of mayor and aldermen of said city shall elect the successors of the members of the board of education whose term of office expires, and they shall hold office for a term of four years. Vacancies in the board of education caused by death, resignation or removal, shall be filled for the unexpired term by the board of mayor and aldermen of said city. The board of education shall elect a chairman from its number, who shall hold office for a term of two years, and shall have the right to vote on all questions before the board of education, and shall have the casting vote when there is a tie.

SEC. 3. Be it further enacted, That each member of the board of education, before entering on the dis- Official oath. charge of the duties of such office, shall take and subscribe an oath or affirmation to faithfully discharge the duties of the same. A majority of the board of education shall constitute a quorum for the transaction of business, and its members shall receive no compensation.

SEC. 4. Be it further enacted, That the board of edu- Rules and by-laws of board. cation shall adopt rules, by-laws and regulations for the conduct of the business that may come before it, and may elect a secretary from its number, who shall bold

office at its pleasure, and receive such compensation as it may prescribe.

SEC. 5. Be it further enacted, That it shall be the duty of the board of education, annually, before the first Monday in July, to submit a statement to the board of mayor and aldermen of said city, showing the amount of money necessary for the support and maintenance of the public schools of the city for the next ensuing scholastic year, and for the erection, rental or repair of the necessary school buildings, together with the probable amount of money that will be received from the State school fund, or from any other source; when such statement shall have been made, the board of mayor and aldermen of said city shall make an appropriation to supply whatever additional amount that may be necessary, but shall not be required to appropriate more than twenty-five per cent. of the gross revenues of said city for such schools, but may in its discretion appropriate larger sums, or make special appropriations for the erection, repair or rental of school houses. All moneys, whether received from the city or from the State or county, or other source, shall be placed by the city treasurer to the board of education, and shall be kept separate and apart from other funds in his hands, and such funds shall be disbursed as prescribed by the board of education.

Statement by board.

Disposal of moneys.

SEC. 6. Be it further enacted, That the board of education shall have general supervision of the public schools of the city, and shall elect all teachers, prescribe their duties and the qualifications necessary to become a teacher in the schools, and the compensation they shall receive. The board of education, or a committee thereof, shall examine all applicants to teach in the schools, and shall elect such only as are qualified to teach. The board of education shall provide all rules and regulations for the conduct of the schools, and may require the use of such text books as it may deem best.

Teachers.

SEC. 7. Be it further enacted, That the board of education shall have the power to lease, purchase, build, furnish and keep in repair school houses, and all property, real and personal, now used by the board of mayor and aldermen of said city for school purposes shall vest in and be under the control of the board of education, and it may sell any of the property now used by the board of mayor and aldermen of said city for school purposes,

School buildings.

and the proceeds of such sales shall be invested by it in the purchase of other property, and the title to the property so purchased shall vest in and be held by the board of education for school purposes only.

School fund.

SEC. 8. Be it further enacted, That the board of education shall receive a proportionate share of the public school revenue, including a pro rata share of the sixteenth section fund of each township which lies wholly or in part within such school district, and shall receive all taxes collected as poll taxes within said district, for the use and maintenance of the public schools therein, and for the purposes herein authorized, which said money shall be paid over to the treasurer of said city, and shall be by him kept and disbursed as provided in section five of this act.

School census.

SEC. 9. Be it further enacted, That the board of education shall appoint one or more of its members to take the school census of such school district whenever the census is required to be taken, and the person or persons so appointed shall make a full report to the board of education, and to the superintendent of education for the State, and for such service such compensation shall be paid as the board of education may prescribe.

Approved February 21, 1893.

No. 448.] AN ACT [s. 507.

To amend an act entitled an act "to amend section 24 of an act to incorporate the Mobile and Dauphin Island Railroad and Harbor company," approved December 9, 1892.

Time of beginning.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled "an act to amend section 14 of an act to incorporate the Mobile and Dauphin Island Railroad and Harbor company," approved December 9, 1892, be and is now amended, so as to read as follows: "That this company shall commence the construction of its works by or before the first day of January, 1894, and shall complete the same by the first day of January, 1900, otherwise the charter granted said company

by theact approved February 21st, 1887, shall be forfeited.

Approved February 21, 1893.

No. 449.] AN ACT [s. 396.

To prohibit the sale, giving away or otherwise disposing of any spirituous, vinous or malt liquors, or intoxicating wines, cordials or bitters whether of domestic manufactures or otherwise in beat 17, Jefferson county.

Section 1. Be it enacted, by the General Assembly of Alabama, That on and after the passage of this act, it shall be unlawful for any person to sell, give away, or otherwise dispose of any spirituous, vinous or malt liquors, or intoxicating wines, cordials or bitters, whether of domestic manufacture or otherwise, in beat 17, Jefferson county.

SEC. 2. Be it further enacted, That any person violating the provisions of this act shall on conviction be fined not less than fifty nor more than one hundred dollars, and may also be imprisoned not exceeding three months for each offense. Penalty.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

Approved February 21, 1893.

No. 450.] AN ACT [s. 536.

To amend an act entitled an act for the preservation of game, animals and birds in the county of Greene, approved February 28, 1889.

Section 1. Be it enacted by the General Assembly of Alabama, That section 3 of an act entitled an act for preservation of game, animals and birds, approved February 28, 1889, be amended so as to read as follows: Section 3. Be it further enacted, That it shall be unlawful in said county for any person to purchase or expose for

sale, any of the game or birds mentioned in the first sec-
Purchase or tion of this act during the season when the catching, kill-
sale. ing or injuring the same is prohibited, and it shall be un-ff lawful for any person to purchase or sell or offer for sale in said county, or kill for the purpose of sale or market, at any time or any season of the year the quail, commonly called the partridge, or any wild buck, doe or fawn.

Approved February 21, 1893.

No. 451.] AN ACT [s.343.

To amend an act entitled an act to establish a new charter for the town of Georgiana, in Butler county; Alabama, approved February 28, 1887.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to establish a new charter for the town of Georgiana, Butler county, be amended so as to add thereto: Section 19. It is the purpose and intention to include sidewalks wherever streets and highways are spoken of, and the street tax fund of said town shall be used for the working of sidewalks as well as streets.

Approved Feb. 21, 1893.

No. 452.] AN ACT [s. 557.

To establish a new charter for the city of Calera.

SEC. 1. Be it enacted by the General Assembly of Alabama, That the corporation of the city of Calera shall hereafter consist of a mayor and council, and shall
Name and be known and styled as "The Mayor and Council of the
style. City of Calera," and by their corporate name may sue and be sued, plead and be impleaded, grant, receive and do all other acts, as natural persons, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of the said city, and may have and use a common seal, which may be broken or altered at pleasure.

SEC. 2. Be it further enacted, That the corporate limits of the city of Calera shall be known and described as follows: Commencing at the northeast corner of the west half of the southwest quarter of section fifteen (15), township twenty-two, (22) south, range two (2), west, thence running west seven thousand nine hundred and twenty (7,920) feet, thence south eight thousand four hundred and fifty (8,450) feet, thence east seven thousand nine hundred and twenty (7,920) feet, thence north eight thousand four hundred and fifty (8450) feet to the place of beginning. Boundaries.

SEC. 3. Be it further enacted, That the present mayor and board of aldermen of the city of Calera, hereafter to be known as the "Mayor and Council of the city of Calera," shall hold and continue in office until their successors are elected and qualified, and that the election for municipal officers under this act shall be held on the first Tuesday in June, 1893, and every two years thereafter, and the officers so elected shall hold their offices for two years from the date of said election, or until their successors are elected and qualified. First election.

SEC. 4. Be it further enacted, That the real and personal property in said corporate limits, shall be subject to taxation by said city for the year 1892. Taxation.

SEC. 5. Be it further enacted, That the said mayor and council of the city of Calera, shall have police jurisdiction of the territory in said corporate limits, and within two miles thereof, the territory outside said corporate limits embraced within said police jurisdiction, shall be known as the police limits of said city. Persons violating any of the ordinances of said city within the said police limits shall be guilty of a misdemeanor, and liable to the same punishment by said corporate authorities as for the violation of said ordinances within the corporation. Police jurisdiction.

SEC. 6. Be it further enacted, That the city of Calera, and all lands within the school limits of said city, shall be a separate school district, and that the school district of said city, shall extend one mile outside and all around city boundary, and that portion of the school district outside of the corporate limits, shall be known as the school limits of said city. School district

SEC. 7. Be it further enacted, That all male citizens and residents of police limits, over eighteen and under forty-five years of age, shall be liable to patrol duty, and to serve as guard or watch at such times, and in such manner, as may be prescribed by the mayor and council of said city.

Patrol duty.

SEC. 8. Be it further enacted, That the government of said city shall consist of, and its corporate powers be exercised by, a mayor and eight (8) aldermen. No person shall be eligible to or shall hold the office of mayor or alderman, except a qualified voter of said city, and who has resided therein one year next preceding the election.

Government.

SEC. 9. Be it further enacted, That in all elections hereinbefore provided for, the mayor for the time being shall give thirty days public notice in some newspaper published in the county of Shelby, of the time and place of holding said election, which election must be held in the city of Calera, according to laws governing elections in this State, and the mayor shall have full power and authority to keep order at said election, and to commit to the jail of the county, or to the town jail or lockup, for a time not exceeding forty-eight hours, any person or persons, who shall make or attempt to make a disturbance at the place or places where such elections are being held, so as to interfere with the peaceable and orderly conducting of said elections, and the sheriff of Shelby county, and all police officers of the city of Calera, are hereby commanded to obey and carry into execution all process issued by said mayor as aforesaid, in pursuance of said act; and if there shall be an equal number of votes between any two or more persons who shall have been voted for at said election, and the choice of mayor and councilmen, or either of them, is prevented thereby, the said mayor shall declare the fact, and shall issue notice in the same manner and form as is required by this act for the regular election, for a new election to fill the vacancy occasioned by those persons having an equal number of votes; Provided, all elections shall be general and held at one polling place.

Notice and conduct of elections.

SEC. 10. Be it further enacted, That the polls for said election shall be opened and kept open in the same manner prescribed by the laws of this State, governing elections, and on closing the polls the judges shall proceed immediately, and in a public manner, to count the ballots and certify in writing the result of said election to the mayor and council of the city, and upon the filing of said certificate, the clerk of the city council shall immediately give to each person a certificate of his having been duly elected. Declaring result.

SEC. 11. Be it further enacted, That if any election herein provided for shall be contested it shall be decided before the judge of probate court of Shelby, and shall be governed by the laws of the State providing for contesting election. Contests.

SEC. 12. Be it further enacted, That the ballots cast at the voting places in said city of Calera, shall be carefully sealed up without examination after said election: they shall be deposited with the clerk of said city, who shall preserve the same for thirty days, and then, if there be no contest, said clerk shall cause the same to be burned in his presence, but if there be a contest, they shall be delivered to the judge trying the same.

SEC. 13. Be it further enacted, That in case of sickness or temporary absence of the mayor, the duties of his office shall be performed by one of the councilmen, who shall be designated by the board of councilmen for said duty. Mayor pro tem.

SEC. 14. Be it further enacted, That if the mayor or any councilman shall, after his election, remove his domicile out of the city limits, he shall thereby forfeit of and vacate his office, and in the event of his death, resignation or removal, the city council on five days public notice, shall have authority to elect some person to fill the vacancy thus created, and the person so elected, shall hold the office to which he shall have been elected for the remainder of the unexpired term.

SEC. 15. Be it further enacted, That any councilman may be deposed for misconduct in office or habitual neglect of his duty as councilman, by vote of all the other members of the council; the mayor may be re-

moved from office tor malfeasance in office, or for any cause which permanently incapacitates him from discharging his duties, by the circuit court of Shelby county, on the presentment of three members of the council, the charges and specification shall be filed with the clerk of the circuit court by the council in the name of the city, signed by three members of the council, attested by the clerk, and notice to the mayor of the filing of the same, shall be issued by the clerk of the circuit court, and served by the sheriff of the county, the case shall be put upon the docket and stand for trial at the first term of the court after filing of the charges; provided twenty days notice has been given to the mayor, if said notice has not been given, then the next term shall be trial term. The trial shall be conducted according to the rules of practice in criminal cases, the judgment of the court in trials under this section shall not extend beyond removal from office and the imposition of costs upon the unsuccessful party.

Deposing or-removing offi-cers.

SEC. 16. Be it further enacted, That no person shall be qualified to vote at any election by the people of said city, except the male inhabitants of said city of and over the age of twenty-one years, and who have resided in said city one month and in the State twelve months next preceding such election, and are qualified voters under the general election laws of the State, and are registered as hereafter provided, and at the time he offers to vote produces and surrenders to the inspectors or managers of such election his original certificate of registration, hereinafter provided.

Electors.

SEC. 17. Be it further enacted, That at least ten days before the first Monday in April next preceding such election, it shall be the duty of the mayor and council of said city to appoint one person to act as registrar of voters in said city, the place of registration to be appointed by the mayor and council; said registrar shall commence registration on the first Monday in May next preceding the election, and shall continue the same for four consecutive days, from nine o'clock a. m. to five o'clock p. m. of each day, at which time said registration shall be closed. Said registrar shall give at least five days notice by advertisement in a newspaper published in said city of his appointment, and of the time and place

at which he will attend and make registration of voters as heretofore required, and should any registrar so appointed fail to act, or from any cause a vacancy should occur in said appointment, then the mayor and council shall appoint some other party in his stead. Before any registration is made of any applicant therefor, said registrar must be satisfied by personal knowledge or sufficient evidence that said applicant has resided at least three months in the city, and that he will be legally entitled to vote at the ensuing election for municipal officers of said city, according to the requirements of this charter, and the said registrar being so satisfied, must thereupon place the name of such applicant upon the registration list, together with his color, age, street or avenue of his residence, and giving such other description as may be intelligible. The names of parties registering shall be placed upon said list alphabetically, and be numbered in the order of registration, and said registrar must furnish the person so registering a certificate of his registration, giving his name, age, color, street or avenue of residence, and the number of his registration. The right of any person to be registered as a voter may be challenged in the same manner as hereinafter provided for the challenging of any person who may claim the right to vote at any municipal election of said city, and in case registrar is in doubt and cannot decide for himself, any matter pertaining to his duties as registrar under this act, then said registrar shall take the advice upon such matter of some competent practicing attorney at law, to be selected by him; said registrar shall carefully preserve the original registration list of the voters registered by him, and make, or cause to be made, a correct copy thereof, and certify said original copy over his signature, and immediately after closing of the registration list, shall deliver both said original and copy to the mayor of said city.

Registration.

SEC. 18. Be it further enacted, That before entering upon the discharge of his said duties, said registrar shall make and subscribe an affidavit before some officer authorized to take affidavits, that he will faithfully and truly perform the duties of registrar by this act imposed on him, and that he will honestly, without fear, favor, or affection or prejudice,and without re-

Oath of registrar.

ward or the hope thereof, cause registration to be made of all persons who may personally apply therefor, and show that they are legally entitled to vote at the next ensuing election, and of no other persons. Said affidavit shall be filed by said registrar in the office of the city clerk. For every wilful violation of his duty as such registrar, he shall, on conviction, pay a fine of two hundred dollars for the benefit of the city.

SEC. 19. Be it further enacted, That any person offering to vote at any municipal election in the city of Calera may be challenged by any of the inspectors or any qualified voter, and it is the duty of the inspectors to challenge any person offering to vote whom they know or suspect not to be qualified under this act, as an elector. When any person is challenged, if his ballot is not withdrawn, one of the inspectors must tender him the following oath: "You do solemly swear that you will fully and truly answer all questions that may be put to you touching your qualification as an elector;" the inspectors, or one of them, must then examine him as to his qualification under this act. When a vote is so challenged the same must be counted by the inspectors, but the ballot of such voter must also be deposited in a separate box and so designated to the city council as a contested vote.

Challenges.

SEC. 20. Be it further enacted, That any person who falsely personates another and thereby casts a vote to which he is not entitled, or thereby procures registration as a voter to which he is not entitled, or thereby illegally obtains registration as a voter to which he is not entitled, or attempts by such false personation of another to obtain such registration, or after having voted at such elections, votes the second time, or attempts to vote the second time, or shall vote at such election when not entitled to do so, or shall falsely cause his name to be registered as a person entitled to vote, when he is not entitled, or shall falsely attempt to do so, or after having once obtained registration, shall cause himself to be registered the second time, or attempts to obtain the second registration in the same or another name, or shall aid or assist another not entitled, knowing him not to be entitled to vote or to obtain registration as a voter, or shall wilfully give a false answer to any question put to him by any in-

Registering or voting illegally

spector or registrar, shall be guilty of a felony, and, on conviction, shall be punished by imprisonment in the penitentiary or hard labor for the county for not less than six months nor more than one year.

SEC. 21. Be it further enacted, That a majority of the mayor and council of the city shall be required to transact any corporate business, but any number not less than three may assemble in their regular place of meeting and adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the mayor and council of the city may prescribe; that the mayor and council may determine the rules of its proceedings, and may fine its members for absence or disorderly behavior. In the absence of the mayor from any meeting of the council, the council may select a presiding officer.

Meetings.

SEC. 22. Be it further enacted, That it shall be the duty of the mayor to preside and keep order at the meetings of the city council; he shall call special meetings of the city council whenever in his opinion the interests of the city requires it, or upon the request in writing of three members of the city council; he shall keep an office in the said city, and hear and determine all cases of violations of all by-laws or ordinances or charter of said city, and punish the offender in such manner as the city council may direct; he shall receive such fees and salary as may be prescribed by the city council; and the mayor shall possess, within the corporate and police limits of said city, all the powers and jurisdiction of a justice of the peace in criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace; Provided, he shall not be required to take jurisdiction to try or determine any cause as ex-officio justice of the peace that has not already come before him as mayor of said city. From any judgment or decision of said mayor as such, an appeal may be taken by the defendant to the city council or to the next term of the circuit court of Shelby county, upon the defendants entering into bond, payable to the mayor and council of the city of Calera, with two good sureties, for such sum as the mayor may require, not less than twice the amount of fines and costs, conditioned to prosecute such appeal to effect, and to pay and discharge such judgment as the council or circuit

General powers and duties of mayor.

court may render; Provided, that such appeal be taken and fully forfeited within five days from the rendition of such judgment by the mayor. The said appeal when so
Appeals. taken shall stand for trial at the first term of the circuit court of Shelby county, and shall then be tried and determined, de novo, unless some good cause be shown for a continuance. The mayor shall have jurisdiction of all proceedings by motion, scire facias or other writ instituted for the collection of any penal bond payable to the mayor and council of the city, taken under this act, or under the ordinances of said city, passed in pursuance of this act, and from his judgment rendered in such proceedings, execution thereon may issue and be enforced as execution from justices court. The said mayor shall have
Mayor may call on sheriff. the right when the good or safety of the city may require it to call upon or require the aid of the sheriff of Shelby county for the protection of said city; he may punish any contempt while holding court or while the city council are in session by fine not exceeding five dollars, and by imprisonment for no longer than six hours, one or both; he shall, at the end of each financial year, make a statement to the city council in writing, of the financial condition of the city, which statement shall be published in at least one of the papers published in the city. He shall have the power to suspend the marshal until the next meeting of the city council and report to said meeting the fact of such suspension and the cause thereof ; he shall do and perform such other duties as the council may require.

SEC. 23. Be it further enacted, That the police force
Police force. shall consist of a marshal and such subordinate officers and policemen as the mayor and council may by ordinance from time to time prescribe; all members of the police force shall be removable by the mayor for good cause at any time, subject to the approval of the council at its next regular meeting. The marshal shall be elected by the mayor and council; the other members of the police force shall be appointed by the marshal subject to the approval of the mayor and council of said city. The marshal shall be elected for one term or until the first municipal election following his election ; any member of the police force who may at any municipal election or prior thereto, electioneer in favor of any candidate for mayor or alderman, or do anything to promote the elec-

tion of such candidate, except by casting his vote at such election, shall f6rthwith be discharged from the force, and shall not be elected or appointed to any position in the service or employment of the city during the term following such election.

SEC. 24. Be it further enacted, That the mayor and city council may appoint a city clerk, city treasurer and such other officers, agents and employees, as they may see fit, and think necessary for the good government of said city, and to carry out the powers herein granted, and may prescribe the duties, liabilities, and powers of such officers, agents, and employees, and may require them to give bond in such sums as they, see fit, for the faithful discharge of their duties, and may remove and discharge any of the agents, officers and employees appointed by them at pleasure, and the marshal for good cause, and fix the salaries and compensations of all officers, agents and employees of said city; Provided, that the aldermen shall not receive any salary or other compensation for their services to the city; provided, further, that no alderman shall be eligible to hold or to be elected to any office created by this charter or any ordinance or by-law of said city, except the office of mayor, during the term of his office as such alderman, or during the time he shall hold such office of alderman. For any breach of the bond of any city officer, agent, or employee, suit may be brought to the circuit court of Shelby county, Alabama, or before any court having jurisdiction, and such suit shall be governed in the same manner as other like suits. The city shall keep a regular record of all proceedings, orders, regulations, resolutions and ordinances o£ the mayor and council of said city which shall be read to the city council and signed by the mayor or acting mayor, and approved by the city council, and the same shall have the force and effect of a record, and a copy thereof certified by the clerk shall be prima facie, evidence in any court of record or elsewhere, and said record shall be at all times open for inspection.

Subordinate officers.

Record.

SEC. 25. Be it further enacted, That when the marshal or any member of the police force of said city shall have good reason to believe that an offense has been committed against the laws of the State or ordinances of said city, or that any fugitive from justice from another State is in said city or its neighborhood, and shall also have

good reasons to believe that the offender against the said laws or ordinance, or such fugitive from justice may make his escape, unless immediately arrested, such officer shall
Arrests. be authorized forthwith to arrest such offender or fugitive from justice without any warrant issued therefor, and either in said city or in its neighborhood, but in all such cases of arrest the officer making the same shall immediately take the prisoner before a justice of the peace or other officer having power to investigate the charge, and make complaint to him of the offense charged against the prisoner, and such justice or other officer shall take jurisdiction of the case and proceed as in other eases when a complaint is made of a violation of law, and in all cases of arrest as above provided, if any officer is indicted or complained of to the mayor or city council for a breach of the peace, or other offense, he shall have the right to be examined on his trial as a witness, and give evidence of the reasons which induced him to make the arrest.

SEC. 26. Be it further enacted. That the mayor, and council of the city of Calera shall have full and complete power—1st. To make, adopt and; declare motions, resolutions, by-laws and ordinances in whatever manner and
General powers of council. upon whatever subjects they see fit to carry out the powers herein granted, and for the good government and order of said city, and to affix thereto such penalties for violation of the same by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the city not exceeding thirty days, one or both, and all persons convicted for breach of any by law or ordinances failing to pay or secure such fine may be imprisoned for such failure or placed to hard labor for the city until such fine and costs are paid in such manner and for such time as the city council may direct, not longer than one hundred
Health. days; 2nd. To pass all laws and ordinances necessary and proper to prevent contagious and infectious diseases from being introduced into said corporate and police limits; to establish and regulate an efficient quarantine within said city, and to prevent any breach of quarantine laws, and to prescribe the duties and fix the salaries and compensation of all such health officials as they deem necessary under the existing health laws of the State; 3rd. To prevent and remove all nuisances at the ex-
Nuisances. pense of the person causing the same, or upon whose premises the same may be found ; to regulate or prohibit

privies and privy or water closets ; 4th. To establish, set up and regulate hospitals and poor houses, work houses and houses of correction ; 5th. To license, tax, regulate or restrain theatrical or other amusements; and the selling, retailing or giving away of vinous, malt or intoxicating liquors; each kind of license may be graduated on such basis as the city council may deem proper; License.
6th To restrain on prohibit gambling houses, houses of ill fame, disorderly conduct, breaches of the peace, riots and unlawful assemblies and public indecencies, and to restrain chicken fighting and all games and sports of an immoral character; 7th. To regulate night and day watchmen, police,, patrol and captain thereof; 8th. To divide the city into wards, regulate and change the same; 9th. To establish, regulate and control market and market houses, and to pass by-laws and ordinances regulating the sale and inspection of meats, vegetables or other like articles within certain places and within certain hours; 10th. To sink, repair, regulate public wells and cisterns; to establish and regulate fire plugs and public hydrants, and to make all needful provisions for the supply of the city with water, gas and gas lights or other lights and to control street lamps; llth. To establish streets, avenues and alleys, and regulate and control the paving, cleaning, repairing and curbing of streets, avenues and sidewalks, and giving the grades thereof, set out trees in streets, alleys, avenues and parks, and prescribe penalties for injuring same. 12th. To establish and build drains, sewers, acqueducts and reservoirs and to regulate the same, and to pass all laws, ordinances and resolutions to compel owners of lots or real property to ditch and drain the same at the expense of the owner, and to punish any refusal or neglect of such owner or person in charge of said lot or property by fine and imprisonment, one or both ; 13th. To establish, lay out and improve public parks, and to regulate the same; 14th. To establish, regulate or change fire limits within said city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove any wooden building or structure, paying the owner thereof a reasonable price, which shall be determined by arbitration, the arbitrators to be selected as follows: one by the owner of the property, one by the mayor of the city; in case of a failure to agree, the ar-

Markets.

Water.

Streets.

Sewers.

Fire protection.

bitrators so selected shall choose a third arbitrator, and the amount agreed upon by a majority of the arbitrators shall be final; to regulate and control the location of powder magazines within three miles of said city; 15th. To lay out, regulate, improve and control city cemeteries, and burial grounds, and sell burial lots in the same; 16th.

Loose stock. To prevent the running at large on the streets, alleys or avenues of all cows, hogs, dogs or other animals, and to pass all laws deemed necessary for the sale and impound-

Schools. ing of said stock; 17th. To establish, regulate and control free white public schools and three public colored schools in said corporate and school limits, either or both; to pay the teachers thereof, and to; organize and establish such in connection with other schools established or organized under the direction of the board of education of this State, on such terms as may be agreed upon by them, or independently of said board of education; Provided, that no more than one tenth of the gross general revenue, exclusive of revenue from licenses for the sale of spirituous, malt, vinous-or intoxicating liquors may be expended; Provided further, that said mayor and council of the city of Calera may

School tax. levy, assess and collect a tax in such manner and in such amount as is not inconsistent with the constitution of the State, on all real and personal property in said city for the support of the public schools; Provided further, that all children living in the townships or parts of townships in which the city of Calera is located, and outside of the corporate and school limits of said city shall be privileged to attend the public schools within the limits of said city upon such terms as may be agreed upon between the superintendent of education of Shelby county and the authorities of said city; Provided further, that they may prescribe the, terms upon which the children of non-residents of said corporate and school limits may be admitted to said school; 18th. To regulate and control the

Cars. running of cars or locomotives upon or across the streets, avenues or alleys of said city, and to regulate and control the speed of cars, engines or trains within the corporate or police limits of said city; 19th. To pass all laws nec-

Arrests. essary and proper for the arrest, with or without warrants, of any person against whom there is a charge made of violating any city, or State law, and to confine, such person until duly discharged by law; to pass all laws

needful for the issuance and execution of such warrants ; 20th. To make and ordain all laws concerning idlers, paupers, vagrants and disorderly or vicious persons, and correcting or restraining their vicious habits, and all persons convicted of a breach of the by-laws and ordinances of said city, failing to pay such fine and costs that may be imposed by the mayor or acting mayor, may be placed at hard labor for the city or imprisoned until such fine and costs are paid, and in case any person put to hard labor for the city fails to work faithfully, he may be tried for such failure by the mayor or acting mayor, and if convicted, be punished by fine not exceeding twenty dollars and by additional hard labor not exceeding ten days, or both; 21st. To pass by-laws and ordinances in relation to auctioneers carrying on their business on the streets, and to regulate and prohibit the same; to enact an ordinance or ordinances to prohibit the wearing of any uniform adopted for the police force of the city by any person except those belonging to said police force, under a fine or imprisonment or hard labor on the streets, either or any, at the discretion of the city council; 22d. To punish all persons who in any manner obstructs the marshal or any police officer in the arrest of any person in said corporate or police limits, or in the lawful discharge of any of their duties in said corporate or police limits; and for the punishment of any or all persons who, when called upon to aid in the arrest of any person, shall fail to give such aid or assistance, or who when summoned to act as patrol refuse to act; and in all cases when any person is so called on and aids such officer as required, such person shall not be liable to indictment or punishment in the courts of the State therefor, nor to punishment by the mayor or council of said city, nor to any damages in a civil action, provided he did no more than reasonably necessary to effect such arrest; 23d. The said city council shall have power to pass and establish inspection laws in the city, weighing and measuring all building material, and all kinds of produce and provisions for man and beast; to erect public scale houses with proper scales, weights and measures, and to appoint

Hard labor.

Auctioneers.

Obstructing officers.

Scales, &c.

weighers and measurers to weigh and measure in case of disagreement between buyer and seller; 24th. To regulate and control the manner of building partition walls and fences. walls and partition fences, and to regulate the keeping, carriage and storage of gun powder, blasting powder and other explosive and dangerous material within said corporate and police limits; to regulate and control the cleaning and sweeping of chimneys, the use of lights, stove-pipes and flues in all stores, warehouses, shops, stables, kitchens and other places within said limits; 25th. Said city council shall have power to pass by-laws, ordinances and resolutions providing for grading, paving and curbing and keeping in repair the sidewalks, and for planting shade trees on sidewalks in such manner as shall not be inconsistent with the constitution of this State; 26th. Said city council shall have power and authority to contract with any person or association of persons or corporation to grade streets and alleys, to pave streets and alleys, to construct and repair sewers, to light said city and all or any portion of the school limits, and buildings used for city purposes, with gas, electric or other lights, one or more; to supply said city with water and regulate the conveyance of water from the vicinity into said city; and generally to do every matter and thing for the good and welfare of said city not inconsistent with the constitution and laws of this State; 27th. Said city council shall have authority to levy and collect from all persons, firms or corporations trading or carrying on any business, trade or profession, by agents or otherwise, in said corporate limits, a license tax on such business, trade, profession or calling; but mechanics who employ no capital, but conduct their trade solely by their own skill, labor and attention, without employees, shall not be subject to payment of license; Provided, that no license tax shall exceed the sum of fifty dollars; except licenses to retail spirituous, malt, vinous or intoxicating liquors, which shall not exceed eight hundred dollars, nor be less than five hundred dollars, and except license for keeping public billiard tables or other public tables on which games are played, whether a

Sidewalks.

Contracts.

Licenses.

charge is made or not, which license shall not exceed fifty dollars for each table; general dealers in merchandise, regularly engaged in business in said city, a tax of one-half of one per centum on amount of merchandise on hand on the first day of January of each year, and to assess, levy and collect, against general dealers in merchandise who are transient, a tax of one-half of one per centum on the largest amount of merchandise on hand at any one time while engaged in the business; Provided, that the tax above provided for, shall be in lieu of the ad valorem tax of one half of one per centum, hereinafter authorized to be imposed for general city purposes, on such merchandise; to assess, levy and collect each year taxes on all real and personal property in said city for payment of bonds hereinafter authorized to be issued, and interest thereon; also to assess, levy and collect each year taxes on all real and personal property in said city for the support of public schools, all of said taxes not to exceed in the aggregate the amount allowed by the constitution of Alabama to be levied; Provided, that personal property (stocks of merchandise included) not in said city on the first day of January, 1893, or any subsequent year, but brought into the city during the year 1893, or any subsequent year, shall be assessed and taxed pro rata for the remainder of said year from the date it may be brought into said city; the assessments herein mentioned are to be made by the clerk of the city from the State and county assessment books as assessed for State taxes the preceding year, and it shall be the duty of said city council to require the city clerk, to assist and associate with the county tax assessor, in assessing the property in said city; Provided, that in case any property has escaped taxation in previous years, said city clerk shall assess the same to be collected as other taxes are collected; And provided, further, if there was any property in the city on the first day of January of the then current year, which was not in the city on the first day of January of the preceding year, or if there was any improvements on the first day of January of the then current year erected on property materially enhancing the value of such property, which

Taxes.

Assessments.

said improvement had not been erected on the first day of January of the preceding year, and consequently not assessed for State taxation during the preceding year, then it shall be lawful for the clerk of said city, and it shall be his duty to assess such property or improvement at a fair valuation, which said valuation shall be added to the valuation as assessed for State taxes for the preceding year, and the taxes so assessed shall be collected as other assesments are collected; Provided, further, that all real and personal property, used exclusively for manufacturing purposes, shall be exempt from taxation by said city, until after the expiration of ten years from the date of the establishment of such industries or manufacturies, but this exemption shall not apply to any of the property of persons, companies or corporations directly or indirectly interested in what are commonly known as commissary stores, or allowing any such stores to be located on their premises; And provided, further, that all property used exclusively for charitable, educational and religious purposes, or either of them, shall be exempt from taxation by said city.

Work on streets.

SEC. 27. Be it further enacted, That said city council shall have authority to require all male inhabitants of said corporate and school limits, who have resided therein ten days, and who are between the ages of eighteen and forty five years, to work upon the streets of said city for least five days in each year, under the direction of such officers as the city council may appoint; Provided, that any person so required to work may relieve himself from so working by paying into the city treasury the sum of three dollars; all moneys so paid in by residents in the school district to be applied exclusively toward the support of the public schools of said school district; Provided further, that the inhabitants of said corporate and school limits shall be exempt from working on roads or highways outside of said city; Provided, further, that no male inhabitant of said corporate or school limits between the ages of eighteen and forty-five years, shall be exempt from the operation of this section.

Dealing in claims.

SEC. 28. Be it further enacted, That it shall be unlawful for any officer, agent or employe of said city, in either directly or indirectly, by himself or by his agent, to purchase, deal in or traffic in any manner, in a claim, debt, warrant or script due from the city, other than city

bonds and coupons, and any such person so found so dealing, shall be guilty of a misdemeanor, and shall be punished by fine not less than ten nor more than one hundred dollars, but nothing herein shall prevent any officer, agent or employe of said city, from acquiring directly from the city or from receiving in good faith any city claim in payment of a debt due to him, nor from purchasing in good faith so much of such claims as may be necessary to pay his taxes and licenses for the current year.

SEC. 29. Be it further enacted, That whenever any person is in the custody of the city authorities before or after a conviction of a violation of the city ordinances, and is held for such by said city, and such prisoner has violated any State law and is charged therewith, such prisoner shall be held by said city authorities until such time as the sentence of the mayor shall be fully performed and discharged, except in cases where said party is demanded by the State authorities under a charge or conviction of felony, and the said city authorities shall then deliver such prisoner to the sheriff of Shelby county, and such city officers in actual charge of said prisoner, in the event of the escape of such prisoner, through fault or negligence of such officer, during the time they so held the prisoner shall be liable for such escape and shall be punished as now or may hereafter be prescribed by the State law for an escape.

City prisoners.

SEC. 30. Be it further enacted, That the mayor and council of said city, in the name of and for the use of the city may contract loans or cause to be issued certificate of debts or bonds; Provided, no such certificates of debt, or bond shall be issued, except by a two-thirds vote of the entire council, endorsed by a majority of the freehold voters voting on the question, but such loan certificate or bond shall not be irredeemable for a greater period than thirty-four years; Provided, further, that in no case shall the aggregate debt of the city at any one time exceed ten (10) per centum of the assessed value of the property, real and personal, within the city limits. All contracts for the erection of public improvements within the jurisdiction of the city council, shall be let to the lowest responsible bidder, and notice shall be given at least thirty days before the work is finally let, by advertisement in a local paper, or by posters posted in not less than three conspicuous places, and the party to whom

City debt.

said contract shall be let, shall give a good and sufficient bond, but in ho event shall any contract be let to any member of the city council, or shall any member have any interest in such contract; 2d, whenever there shall be contracted by the mayor and council any debt not payable within one year, there shall be set apart every year until the debt is paid a sum of not less than one per centum of the amount of any debt, in addition to the annual interest, agreed to be paid thereon; Provided, if bonds be issued for less than thirty-four years, then the amount set aside as a sinking fund shall be in proportion to the above which sum shall be applied and invested toward the payment of such debt; 3rd; All bonds or certificates of debt shall have specified on their face the purpose for which they are issued. 4th; Bonds shall be issued in sums or amounts not less than twenty-five dollars nor more than one hundred dollars each, and shall bear interest not exceeding eight per centum; said bonds shall have coupons attached, (numbered to correspond with the bonds which shall commence with number one with each special issue) setting forth the amount of interest, when due and when payable; said bonds when issued shall be signed by the mayor and counter-signed by the city treasurer, who shall attach the seal of the city, and said coupons shall be all signed by the city treasurer, no part of said bonds shall be sold or hypothecated by said city for less than ninety cents on the dollar, and said coupons and bonds when due and payable, respectively shall be receivable for all dues to said city.

Sinking fund.

Bonds.

SEC. 31. Be it further enacted, That the said mayor and council shall have power and authority to do and carry out fully all of the powers granted in this act either by themselves or their agents by them duly appointed and no technicality or informality, neglect or omission, in the proceedings of said board, or the records thereof, shall in any way effect the validity of said bonds or coupons issued under this act, or any rights of the purchaser of the same, but said bonds and coupons shall have all the property and protection of commercial paper.

Bonds secured

SEC. 32. Be it further enacted, That all bonds is-

sued under this act, shall be sold or hypothecated only for cash and the money raised by the sale or hypothecation of said bonds shall be paid to the contractor or contractors who do the work or furnish the material, furniture or apparatus and equipments to pay for which bonds are issued. Sale of bonds.

SEC. 33. Be it further enacted, That the corporate authorities of said city, shall cause a copy of the tax list and books of all property in the corporate limits of said city listed and assessed by the tax assessor of Shelby county, and taxed as appears on such tax assessor's books, corrected as in this act hereinbefore required, for each preceding year, to be made and entered in a bound book, properly prepared for that purpose, with all additions and alterations that may have been made under the provisions of this act. Tax lists.

SEC. 34. Be it further enacted, That as soon as the book provided for in the preceding section is made and corrected, it shall be filed in the city clerk's office where it shall remain for twenty days open to public inspection, and notice of the fact shall be immediately given by said clerk by publication of a notice to such effect, by insertion in come newspaper published in Calera for two successive and consecutive weeks. Any person charged in said book, as the owner of any property or subject to taxation which he was not the owner of on the first day of January of the year for which the tax therein provided for is to be laid, shall within twenty days, file with the clerk, his affidavit to that effect, and if he knows the owner shall state who it is, or that he does not know. Any tax payer may file objections as to the correctness of said book, as a correctness as a copy of aforesaid book of the tax assessor of Shelby county, stating wherein the copy does him injury. Upon notice by the clerk that the objections have been filed, said mayor and council shall meet and determine all objections and correct said book accordingly, and their decision on such objections, and as to all corrections to be made shall be final, said mayor and council shall continue its session from day to day until all objections filed are disposed of and no longer. Tax books to be filed.

Corrections.

SEC. 35. Be it further enacted, That a majority of the board of mayor and council shall be a quorum for the transaction of all business, and as soon as possible after the lapse of twenty days said board shall lay and levy for the current year the tax authorized by this act, on all property and subjects of taxation so listed and valued in the book heretofore mentioned, corrected as aforesaid.

Tax levy.

SEC. 36. Be it further enacted, That the taxes levied under this act shall have the force and effect of a judgment at law against the persons assessed therewith, and for said taxes so levied, and for all other taxes authorized by this act, the city of Calera shall have a preferred lien over all encumbrances and securities whatsoever, except State and county taxes, against the property of any person under this act or for which such person may become liable for the current year, shall be a lien upon the real and personal estate of such person within the city of Calera from the first day of January of that year, or if bought in there after that time, the lien shall attach from the time it was brought into said city.

Tax liens.

SEC. 37. Be it further enacted, That after the taxes shall be so fixed and levied, the mayor of said city shall certify the same at the end of said tax book and append thereto his warrant directed to the person authorized to collect taxes for the city of Calera, authorizing and commanding such officer to collect the taxes so levied, and shall deliver said tax book and warrant to such tax collector, and said collector of taxes, shall thereupon forthwith notify the public by advertisement for three weeks in some newspaper in Calera or by posting the same at three public places in said city that he is ready to receive payment of taxes. Taxes not appearing in said book but authorized by this act, will be collected on the warrant of the mayor directed to the tax collector, commanding and authorizing him to collect said taxes.

Collection of taxes.

SEC. 38. Be it further enacted, That after thirty days have elapsed from the first publication of such notice, the city tax collector shall make personal demand on de-

linqnents wherever they may be found, for their taxes and costs, and whenever unable to find them, shall leave a written or printed notice at the place of residence of such taxpayer, requiring them to come forward, and pay such taxes and costs immediately and for giving such notice the tax collector shall have fifty cents, and it shall be the duty of such delinquent forthwith to make payment of their taxes and fees to the tax collector at his office, but no demand or notice shall be necessary to tax payers who are non residents of the city, except such as is required by the general tax laws of this State.

Delinquent taxes.

SEC. 39. Be it further enacted, That the collector of taxes shall be charged with and accountable for the whole amount of taxes assessed for the year and can only be discharged from such accountability by showing that the taxes unpaid could not be collected by the means given him for their collection.

Taxes charged to collector.

SEC. 40. Be it further enacted, That all taxes laid under this act which are not at the end of ninety days from the first publication of the notice required in this act paid, shall be in arrears and delinquent from that date, and after the expiration of said ninety days, as aforesaid, the tax collector may levy upon and seize any personal property if there be any, or if there be none, or not sufficient personal property, then upon the real estate of such delinquent tax payers; Provided, that a failure to levy on and sell any personal property for taxes shall not vitiate the sale of real estate of such delinquent tax payer for taxes and costs of sale, and no personal property sold for taxes shall be subject to redemption and no property shall be exempt from levy and sale for the payment of taxes and the fees and charges lawfully incurred in their assessment and collection.

Tax sales.

SEC. 41. Be it further enacted, That it shall be the duty of the tax collector, whenever upon information or oth erwise he has good reason to believe that any person owing taxes, whether due or not, is about to leave or remove his property from the city, and thereby the collection of such taxes is in danger, to make and certify to the mayor of the city a bill against such person for the amount of such taxes and fees due them, and upon the approval thereof by the mayor, in writing endorsed thereon, such writ shall operate as a fire facias which the collector is authorized to execute by levy and sale in the

Escaping taxes

same manner as sheriffs are authorized to execute such writs when issued by the circuit courts, and on the fail; ure of the collector to act in the cases provided for in this section, he shall be liable for the taxes against such person.

SEC. 42. Be it further enacted, That when real estate is levied on for taxes, notice of the sale shall be given thirty days before the sate in some newspaper published in Calera, and the lands so levied on must be described by such numbers and abbreviations as will clearly indicate the land to be sold, and the sale of such property shall take place in front of the Mayor's office in Calera, commencing on the day indicated in the notice and continuing from day to day until completed.

Notice and sale.

SEC. 43 Be it further enacted, That all sales by the tax collector of property for taxes, he shall attend and bid off for the city of Calera as purchaser, all the lots and lands on which the tax collector cannot get a bid from other persons for the taxes and expenses of sale and the city of Calera shall have a certificate of purchase and be invested with all the title to all the property so bought in, subject to redemption hereinafter provided. When any real property is sold by the tax collector for the non payment of taxes, he shall give purchaser at such sale a certificate to the following effect: "I————, tax collector of the city of Calera do hereby certify that the city taxes for the year 18— (or the particular tax or assessment as the case may be), amounting in all to $——, being due and unpaid by A. B. the owner or agent therefor, I have this day sold for the payment of taxes due as above, the following piece, parcel or lot of land in the city of Calera, and bounded and described as follows : (Insert description) by virtue of the power given to me by law : I hereby authorize said (C. D.) to have and to hold the above described lands and tenements until the same shall be redeemed according to law. In witness whereof I have hereunto set my hand and affixed the seal of this corporation, this the —— day of ———— 18—. ———————— Tax Collector." Said certificate shall be prima facie evidence of the regularity of all previous proceedings, and of all the facts stated therein, and no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other

Lands bid in for city.

Certificate of purchase.

person than the owner, or as property of an unknown owner, or on account of any informality or irregularity whatever in the proceeding for its assessment or sale, unless the person impeaching said sale shall show that the taxes so assessed on said property, and all penalties and costs accruing on said assessment, and the proceeding for sale, were paid at the time of such sale. Any real property sold under this act may be redeemed by the owner, or any person interested therein, within two years after said sale by paying to the city of Calera the amount of purchase money, all subsequent taxes and costs that. may have been paid by the purchaser, and interest at the rate of fifteen per cent. per annum, and thereupon shall receive a certificate of redemption therefor. Redemption.

It shall be the duty of the city tax collector to keep in his office in a book provided for the purpose, and properly indexed, a record of all certificates of purchase issued by him, and when real estate shall be redeemed, as herein provided, it shall be such tax collector's duty to note such redemption on such record, and when the purchaser, or his assignee, shall demand the money paid on such redemption, he shall pay the game to him on the surrender of the certificate of purchase, and on his failure to do so, he and his bondsmen shall be responsible to the person entitled to such redemption money; Provided, that the said tax collector may pay all moneys arising from tax Bales of real estate into the city treasury and thereby relieve himself from all liability to the person entitled to such redemption money. Said tax collector shall give to the person redeeming any real property a certificate of redemption signed by him, setting forth the facts of the sale substantially as contained in the certificate of sale, the date of redemption, amount paid and by whom redeemed, and such certificate shall be prima facie evidence of the facts therein stated, and the collector shall make report of the redemption as the corporate authorities may require. After the expiration of two years from the date of sale, the tax collector then in office shall, upon application of holders of certificates of purchase, make out a deed to each lot or parcel of land sold and unredeemed, and deliver the same to the purchaser or his assignee upon the return of the certificate of purchase, payment of all subsequent taxes on the property, and one dollar for the deed, but any number of parcels of real Tax deeds.

property for which one person may hold certificates of purchase may be included in one deed; such deed shall be signed by the tax collector in his official capacity, acknowledged by him before some officer authorized to take acknowledgments, and when so executed and recorded shall vest in grantee all rights, titles and estate of former owners free from all encumbrances made or suffered by them, except State or county taxes. Such deed shall be prima facie evidence in all courts of this State in all controversies and suits in relation to the rights of the grantee therein, the land conveyed, of the facts recited in such deed, of the regularity of all proceedings in assessments and sale of said property required by this act, and of the title of the grantee, his heirs or assigns.

Council may adopt other rules.

SEC. 44. Be it further enacted, That should said corporate authorities require other means of collecting the taxes herein authorized, they may by ordinance adopt or substitute for any of the foregoing, the provision contained in the code of Alabama, or any part of such provisions for the collection of taxes, so far as the same will apply, and have the same right to sell property and make titles to the property sold for taxes as is provided for collecting State and county taxes, and said corporate authorities in adopting provisions shall, by adopting ordinance, declare which of said provisions they adopt, and in such ordinance they may change the provisions so far as to substitute the city tax collector for that of the State and county, and so as to adopt the provisions relative to the State and county taxes, to the collection of taxes herein authorized, and the mayor and council shall have the power to collect all taxes and all fines by execution, levy and sale, and from such execution no property shall be exempt; Provided, that this mode of collection shall not prevent collection of such in any other manner than herein provided.

Veto by mayor

SEC. 45. Be it further enacted, That the mayor shall have no vote upon any motion, resolution or ordinance that may be before said council, but shall have the power to veto any such motion, resolution or ordinance, and when so vetoed by him, it shall require a two thirds vote of all the councilmen to pass the same over said veto, and unless it receives said two thirds vote, the said motion, resolution or ordinance shall not become valid, binding or operative.

SEC. 46. Be a further enacted, That the mayor and council of the city of Calera, shall have exclusive power and authority to levy, assess and collect all poll tax from the inhabitants of said corporate and school limits liable to pay such tax, to be used and applied exclusively to the public schools of the city, said tax to be assessed and collected by such officers as the city council may appoint, under such rules and regulations as the city council may prescribe, such officers to have the same rights, powers and remedies for the collection of said poll tax as are now given to the tax collector and other officers of Shelby county; Provided, that the inhabitants of the school limits shall be entitled to the same privileges as the inhabitants of said city. Poll taxes.

SEC. 47. Be it further enacted, That the mayor and council of the city of Calera be, and they are hereby, created a board of trustees of the separate school district created by this act, and such board of trustees are alone authorized and empowered to employ, license or contract with teachers of all public schools in said school district established and created by this act, and that no teacher shall be employed to teach a public school in said school limits, unless such teacher, so employed, shall have been first duly examined as to his or her efficiency and competency to write, read and understand the English language, by such authority or person as such board of trustees may select. That said board shall appoint a secretary and treasurer, who shall be a member of said board; and such board also shall require such secretary and treasurer to give a good and sufficient bond for the faithful performance of his duties, and the prompt payment of all money coming into his hands to all persons upon the order of the board, countersigned by the mayor of said city, that the city of Calera as such school district shall receive its proportionate share of the public school fund, including the pro rata share of the sixteenth section fund of each township that lies partly within the school limits prescribed by this act; all such funds to be drawn from the proper authorities, and disbursed by the said board of trustees, through its secretary and treasurer in the same manner as county superintendents of education draw and disburse funds for their respective counties: Provided that said board of trustees may at any time draw from the State of Alabama, all school funds due said school School board. School funds.

district, for the then scholastic year, and the amounts thus drawn by the said board of trustees shall be used exclusively for the maintenance of the free public schools in the city, for white or colored schools as may have been appropriated by law.

SEC. 48. Be it further enacted, That should the sale of liquor, vinous, spirituous or malt, be authorized by law, in said city, then it shall be incumbent upon the mayor and council of said city, to keep and maintain day and night police, and failing to do the same, said mayor and council or any member thereof failing to provide for such police regulation by his vote, shall be guilty of a misdemeanor and upon conviction may be fined not less than ten nor more than fifty dollars.

Police.

SEC. 49. Be it further enacted, That an act entitled "an act to incorporate the city of Calera, in the county of Shelby," approved February 24, 1887, be and the same is hereby repealed. Provided, that no prosecution, suit or claim whatever pending or to be brought under existing laws or any contract now existing with the mayor and council of the city of Calera, shall in any manner be affected, impaired or altered by the passage of this act; and all existing by-laws and ordinances of the city of Calera, adopted in pursuance of law, shall be and remain in force until repealed, or changed by the mayor and council of the city of Calera, and all the powers granted by this act shall and must be liberally construed in favor of the power of the city to pass such laws.

Repeal of former act.

Approved Feb. 21, 1893.

No. 453.] AN ACT [s. 241.

To prevent children attending two different public schools the same scholastic year.

SECTION 1. Be it enacted by the General Assembly of Alabama, That no child who has attended one public school shall be permitted to attend another the same scholastic year, unless by the consent of a majority of the trustees of the township in which the school is situated; Provided, the child has attended the number of days to which it is entitled.

Approved Feb. 21, 1893.

No. 454.] AN ACT [s. 191.

To authorize societies organized and incorporated under the laws of Alabama, for the social and literary advancement of their members, to enlarge the limit of their membership.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any society which has been heretofore or which hereafter may be organized under the laws of the State of Alabama, may enlarge its membership to a number not exceeding three hundred in all, in the manner hereinafter provided. Enlarge membership.

SEC. 2. Be it further enacted, That such extension of the existing limits of its membership shall be made and effected by a written declaration that such extension is declared and made and fixing the limit thereof, signed by a majority of the existing members of such society and filed in the office of the judge of probate of the county in which said society was incorporated. Written declaration.

SEC. 3. Be it further enacted, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved February 21, 1893.

No. 455.] AN ACT [s. 583.

To authorize the auditor of the State to draw a warrant on the treasurer for the sum of eighty-three dollars and thirty three cents, balance due L. W. Lawler, deceased, by the State, on account of his salary as railroad commissioner.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the auditor of the State is authorized to draw a warrant on the treasurer for the sum of eighty-three dollars and thirty-three cents, in favor of the heirs at law of L. W. Lawler, deceased, the said sum being the amount due him on account of salary as railroad commissioner at the time of his death.

Approved February 21, 1893.

No. 466.] AN ACT [s. 469.

To amend sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of an act entitled an act to establish a normal school for the education of white male and female teachers at Troy, in Pike county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That there be permanently established in the city of Troy, Pike county, Alabama, a State Normal College, for the education of white male and female teachers, who shall be taught therein, on such conditions and under such restrictions as may be prescribed, and there shall be annually appropriated and set apart, from the first day of October, 1893, the sum of three thousand dollars, out of the general educational revenues apportioned to the whites, for the support and maintenance of- the college. Appropriations shall be under the control of the commissioners hereinafter provided for, and shall be applied in such manner as they may deem best to carry out the purposes of this act; Provided, however, that no portion of said appropriation shall be used for any other purpose than the payment of the salaries of the faculty.

Establishment and support.

SEC. 2. Be it further enacted, That a board of directors is established, consisting of the governor and superintendent of education of the State, and the president of the college, ex-officio, and Henry D. Clayton of Barbour county, H. J. Smisson of Henry county, B. E. Bricken and James Folmar of Crenshaw county, Frank Baltzell of Montgomery county, and John B. Knox, J. D. Gardner, O. C. Wiley and Charles Henderson of Pike county, which shall be known by the names of the board of directors of the State Normal College, at Troy. On their first annual meeting after the date of this act, they shall divide their number into three equal classes, the first of which shall serve for two years, the second for four, and the third for six years from the date of their appointment, and thereafter all terms shall be for six years, and they shall receive no other compensation than actual expenses of attendance.

Board of directors.

SEC. 3. Be it further enacted, That all vacancies on the board shall be filled by appointment by the

governor, from lists of nominations made by the State superintendent of education, which lists shall contain three times as many names as the vacancies to be filled and shall be made up from the counties in the 1, 2, 3, 5 and 9 congressional districts, in the ratios of 1, 3, 2, 2 and 1, respectively, not above three appointed directors being from Pike county, and not more than one from any other county at a time after the expiration of the terms of the present membership. Vacancies.

SEC. 4. Be it further enacted, That the board shall meet at such times and places as they may appoint, or at the call of the executive committee, of which they shall make an annual appointment, and a majority of whose members shall be from Pike county. Meetings.

SEC. 5. Be it further enacted, That the board of directors shall, under the provisions and limitations of law, direct the disposal of any and all moneys appropriated or otherwise given to the college, and shall prescribe the duties of all officers and employes. Disposal of moneys.

SEC. 6. Be it further enacted, That it shall be the duty of the board to organize the State Normal College upon the most approved plans; to elect a president and corps of instructors, who shall constitute the faculty of the college, and the board may adopt such general rules and regulations as may be necessary for the management of the college. Organization.

SEC. 7. Be it further enacted, That it shall be the duty of the faculty to establish a course of instruction with reference to educating teachers in the theory and practice of teaching, embracing a scholastic course of full college grade, and shall pass all needful rules and regulations for the discipline of the college. Course of instruction.

SEC. 8. Be it further enacted, That the president of the college shall report from time to time to the board the condition of the college, by chairs and departments, as may appear necessary, and the president of the board shall formulate a full and complete report of the college, prior to October each year, to the State superintendent of education, of the operations of the State Normal College, specifying the number of pupils in the respective courses, the number of professors and other employes, the amount of salary of each, the amount of money received and disbursed, and such other information as may be required by the Reports.

State superintendent of education under the laws governing.

Admission of students.

SEC. 9. Be it further enacted, That students shall be admitted from any portion of the State on equal footing with all other portions of the same, and shall receive instruction free of charge for tuition upon signing a written obligation to teach two years after graduation, or failing to graduate, to teach in the public schools as many terms as they shall have attended the State Normal College free of tuition, and the obligation shall be filed with the treasurer of the college. Any student may be released from such obligation by the payment of the tuition of the college for the terms of his attendance, and any who do not teach within two years of retirement from the college, shall be legally indebted for the amount of their tuition, which shall be collected as other dues for instruction in the college.

Age of applicants.

SEC. 10. Be it further enacted, That applicants for admission to the State Normal College, shall not be less than 15 years of age during the term of entering, and shall sustain a satisfactory examination in such requirements as may be fixed by the faculty.

Degrees and diplomas.

SEC. 11. Be it further enacted, That upon the completion of the required course for same, upon the recommendation of the president of the college, approved by the board of directors, the State superintendent of education, shall issue a State certificate, for two, four, or six years, or for life, according to the course completed; and upon the completion of the respective courses, as fixed by the faculty, upon the recommendation of the president of the college, the board of directors may grant such degrees and issue such diplomas as they may deem proper; and when eight years of successful experience in teaching, required for the doctor's degree, have been taken, then, in the same manner as for State certificates, the State superintendent shall issue State professional life diplomas, which, and the State certificates, shall entitle their holders to teach in any public school in the State, without further examination or fee; Provided, such diploma, or certificate, as may be, shall be first presented to the county superin-

tendent of education, or city school board under whose jurisdiction the holder may wish to teach. The board of directors of the State Normal College may fix such fees for certificates and diplomas as they may deem reasonable. The State superintendent, upon recommendation of the president of the college, approved by the board of directors, may for cause that would have prevented its issuance, suspend, for definite, or indefinite time, and certificates or diplomas authorized in this section.

Fees for certificates.

SEC. 12. Be it further enacted, That the money appropriated and due the college, shall be certified semi-annually by the superintendent of education, to the State auditor, upon application of the president of the board of directors, and the State auditor shall thereupon draw his warrant on the State treasurer in favor of the treasurer of the State Normal College, for the amount thus certified; the first half of the annual appropriation being due on the first of October, 1893.

Semi-annual payments.

SEC. 13. Be it further enacted, That in connection with the college a public school, or other school, may be maintained as an internal part of the State Normal College, as a model training school to illustrate and practice the best methods of teaching.

Public school

SEC. 14. Be it further enacted, That as a condition of this appropriation, the citizens, or city council, of Troy, shall furnish and equip with furniture and apparatus, and maintain the same in proper condition, buildings and grounds, whose title shall be vested in the board of directors of the college, free of expense to the State, and without other restriction than reversion to the donors in case the State should cease to hold and occupy the same as an institution of learning.

Buildings and grounds.

Approved February 21, 1893.

No. 457.] AN ACT [s. 424.

To authorize the issue of duplicates of lost or destroyed registered bonds of the State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever it shall be made to appear to the governor, auditor and treasurer, by clear and satisfactory evidence, that any duly registered bond of the State of Alabama bearing interest has been lost or destroyed, so that the same is not held by any person as his property, they shall issue a duplicate of such registered bond, of like amount, bearing like interest and executed and marked in like manner as the bond so proved to have been lost or destroyed. But the owner of such lost or destroyed bond shall first execute a penal bond in double the amount of such lost or destroyed bond and the interest which would thereafter accrue thereon, with two good and sufficient sureties, to be approved by the governor, payable to the State of Alabama, with condition to indemnify and save harmless the said State from any claim because of such lost or destroyed bond. Such penal bond shall be filed and kept in the office of the treasurer, and a copy thereof, duly certified by the treasurer, shall be admissible as evidence in any court.

Approved February 21, 1893.

No. 458.] AN ACT [s. 486.

To fix the time for holding the chancery courts in Cleburne county.

Section 1. Be it enacted by the General Assembly of Alabama, That the chancery courts of Cleburne county, shall hereafter be held at Edwardsville, on Thursday next before the 3rd Mondays in April and October, and may continue three days at each term.

SEC. 2. Be it further enacted, That all laws con-

Travening the provisions of the above section 1st, are hereby repealed.

Approved February 21, 1893.

No. 459.] AN ACT [s. 468.

To prevent hunting on land, without written consent of the owner or his agent, in Perry and Winston counties.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for any person to hunt, shoot, or chase with dogs, game of any kind or description, on the lands of another, without the consent in writing of the owner of the land, so trespassed upon, or the duly authorized agent of such owner, and any person so hunting or shooting without such written consent, shall be guilty of a misdemeanor, and must, on conviction thereof, be fined not less than ten nor more than fifty dollars; Provided, that no prosecution shall be commenced under this act, unless it be by the owner of the land trespassed upon, or his duly authorized agent; Provided, that the provisions of this act, shall apply only to the counties of Perry and Winston.

Approved February 21, 1893.

No. 460.] AN ACT [s. 589.

To confirm, amend and enlarge the charter of the Talladega Gas Light and Water Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation of the Talladega Gas Light and Water Company be, and it is hereby confirmed.

SEC. 2. Be it further enacted, That the Talladega Gas Light and Water company, be and it is hereby au-

thorized to borrow money, and to issue bonds, notes, or bills therefor, and to secure the same by mortgage, deed of trust, or otherwise, upon its property, rights and franchises, as now provided for in an amount not to exceed twice the amount of its authorized capital stock.

Approved February 21, 1893.

No. 461.] AN ACT [s. 575.

To amend Section 1737 of the code.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1737 of the code of Alabama be amended so as to read as follows : 1737 (2126). When general assignments inure equally to the benefit of all creditors. Every general assignment made by a debtor or a conveyance by a debtor of substantially all of his property in payment of a prior debt, by which a preference or priority of payment is given to one or more creditors over the remaining creditor of the grantor, shall be and inure to the benefit of all the creditors of the grantor equally, but this section shall not apply to or embrace mortgages given to secure a debt contracted contemporaneously with the execution of the mortgage, and for the security of which the mortgage was given.

Approved February 21, 1893.

No. 462.] AN ACT [s. 284.

To prevent a party, or his privy ,who has been dispossessed of real estate by an officer under legal process, from going back into the possession of lands without being restored to such possession by an order of court having jurisdiction of the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, any person or his privy, who has been dispossessed of any

real estate by an officer under legal process from any court having jurisdiction of the subject matter, who goes back into the possession of said real estate, by force or otherwise, or who, having regained possession of such real estate, holds the same by force or threats, without having been restored to the possession of said real estate by an order of court having jurisdiction of the same, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than two hundred dollars nor more than one thousand dollars, and imprisoned in the county jail not less than six months.

SEC. 2. Be it further enacted, That half of the fine assessed against the defendant shall go to the party for whose benefit the writ of possession is issued. Disposition of fine.

Approved February 21, 1893.

No. 463.] AN ACT [s. 523.

To amend Section 1 of an act entitled an act to amend Section 1 of an act entitled an act to incorporate the Mechanics' Hook and Ladder Company, of Montgomery, approved January 26th, 1858, approved February 28th, 1889.

Section 1. Be it enacted by the General Assembly of Alabama, That Section 1 of an act entitled an act to amend Section 1 of an act entitled an act to incorporate the Mechanics' Hook and Ladder Company of Montgomery, approved Jan. 26th, 1858, approved Feb. 28th, 1889, be amended so as to read as follows: That the members, their associates and successors of the Mechanics' Hook and Ladder Company of the city of Montgomery be, and the same are hereby declared and constituted a body corporate by the name and style of the Mechanics' Hook and Ladder Company, Number One, of the city of Montgomery, and by that name and style may sue and be sued, plead and be im pleaded, answer and be answered, in any court of law and equity, and may have and use a common seal, and the same alter and amend at pleasure, and may have and hold real and personal property to the amount of fifty thousand dollars, and may sell, mortgage and transfer the same at pleasure, and may also, when- Name.

ever a majority of the members of said company shall so decide at a meeting called for that purpose, borrow any
Borrow money sum or sums of money to an amount not exceeding fifty thousand dollars, and execute a note therefor in the name of the company, signed by the president and attested by the secretary of said company, under its corporate seal, and may also execute a mortage upon the property of said company, real, personal, or both, for the purpose of securing the payment of the said note or notes, which said mortgage shall be signed in the same manner as the notes which it was given to secure; and whenever said company shall have more money in its treasury than may be needed for the purpose of properly conducting its business, the same may be loaned out in such manner and upon such terms as the said company may direct, and in its discretion take such security therefor as it may deem necessary; and all loans of money heretofore made are hereby ratified and confirmed; and said company shall not consist of more than one hundred and fifty members.

Approved Feb. 21,1893.

No. 464.] AN ACT [s. 230.

To incorporate the Carbon Valley Coal Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That J. H. Hayes, Howard Lamar, and their associates, be and they are hereby constituted and created a body
Name and corporate under the name and style of the Carbon Val-
style. ley Coal Company, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, may borrow money and execute notes, bonds or bills therefor, and shall have and exercise all the rights, privileges, powers and franchises in and by this act hereinafter conferred and granted, and as or may be necessary to carry out and effect the purposes of its incorporation; and that said corporation may make and have a common seal, and break, alter or renew the same at pleasure, and may issue common and preferred stock.

SEC. 2. Be it further enacted, That the general purposes and object of said incorporation, and the nature of

its proposed business, is to mine coal, manufacture coke, quarry stone and slate, construct and operate sawmills, to sell coal, coke, stone, slate, lumber, etc., so mined, quarried or manufactured by said company, and also to do a general mining and quarrying business, and to do a general logging, timbering, sawmilling and planing business; also, in connection with said business, to buy and sell coal, coke, stone, slate, timber, lumber, laths, shingles, etc., also to have, enjoy and exercise all the powers conferred upon mining, quarrying and manufacturing corporations by chapter 5, part 2, title 1 of the code of Alabama, (Section 1557 et.seq) and also to run in connection with said business, a commissary or commissaries, whenever found profitable or desirable so to do, also to construct and operate to and from its mines, mills, or other works, railways, tramways and roads, or to acquire, buy, purchase railways, tramways or roads whereby a connection may be made to and with the principal place of business, its mines, quarries, mills or other works, and to own and operate railways, tramways or roads in connection with its business and for the marketing of its coal, coke, stone, lumber, etc., or other mined or manufactured articles; and also to buy, own and sell, mortgage and deal generally in such real estate or personal property as may be necessary or desirable for it to buy, own, sell, mortgage or deal in, in the successful prosecution of its business, also to build houses for its officers and operatives, and the same to sell or rent; also, to construct shafts, slopes or drafts for the purpose of mining coal, and also to erect, buy and operate all necessary buildings and machinery for the mining of said coal, also to buy or construct coke ovens for the purpose of manufacturing coke; Provided, that the said corporation, before constructing any such tramways, railways or other roads or ways, shall lawfully acquire the right of way therefor, and to that end and for that purpose may use and exercise the right of ad quod damnum, and institute and prosecute all such proceedings necessary thereto, upon the same terms and in the same way as is prescribed by the laws of Alabama.

General purposes.

Ibid.

SEC. 3. Be it further enacted, That the business of said corporation may be carried on in any county of the State of Alabama, and that said corporation shall have its principal office or place of business in Jasper, Wal-

Place of business.

ker county, Alabama, and that said corporation may also have an office or place of business, with an agent or other employe in such place or places in the State of Alabama, as said corporation may find necessary or desirable, and is also authorized to constitute and continue an agency or agencies, outside of this State for the transfer of the shares of its capital stock, and to transact other business as is necessary or desirable for said corporation in the furtherance of its business interests, and to enact all by-laws necessary to provide for the transfer of such shares at such agency or agencies.

SEC. 4. Be it further enacted, That the capital stock of said corporation is hereby fixed at the sum of two hundred thousand dollars, ($200,000); but the said corporation, by a vote of its stockholders, shall have the right and power at any time after its organization, to increase its capital stock from time to time, as by its stockholders it may be determined and deemed essential for the uses and purposes of its incorporation; Provided, that the capital stock shall not be increased to an amount exceeding $2.000,000.

SEC. 5. Be it further enacted, That the capital stock of said corporation shall be divided into shares of

Shares of stock.

the par value of $100; and in all meetings or conventions of the stockholders, each stockholder shall be entitled, either in person or by proxy, to cast one vote for each share of stock held or owned by him; and executors and administrators shall have the power to represent the shares belonging to their testators or intestates, and guardians to represent the shares belonging to their wards.

SEC. 6. Be it further enacted, That the persons named as incorporators in the 1st section of this act, or a majority of them, and such person or persons as shall join and become associated with them in the

Meeting of stockholders.

premises, shall meet at such time and place, in the State of Alabama, as they shall designate or appoint, and at such appointed time and place, shall proceed to take and receive subscriptions to the capital stock of said corporation, payable in such manner and at such times as may be determined and agreed on by and between

them and the party or parties who may desire or propose to take stock in said corporation, which business may be transacted or completed at subsequent adjourned, meeting or meetings, as may be deemed necessary, if not completed at the first meeting. The subscriptions to said stock may be made payable in money or property, real or personal, or rights or franchises, as may be expressed in the contract therefor; and if made payable in property, at such value as may be agreed on by and between the subscribers; and if subscribed for before the corporation is organized, the said corporators, or a majority of them, or if taken after the corporation is organized, as may be agreed on by a majority of the stockholders. The provisions of this section shall be equally applicable to any subscription for stock made or taken upon any increase of the capital stock of said corporation after its original organization, as well as at the time of its organization, or in payment of the subscription for the original amount of capital stock in the 4th section of this act named.

SEC. 7. Be it further enacted, That when as much as $50.000 shall have been subscribed, as authorized in the last preceding section, to the capital stock of said corporation, then at such time and place as may be determined by a majority in interest of the subscribers to said stock, there shall be a meeting of such subscribers for the purpose of organizing said corporation by the election of a board of directors, to consist of not less than 5 nor more than 10 members, who shall be elected from the subscribers to the stock, and thereupon the directors so elected, or a majority of them, shall elect either from their number or from the stockholders of said corporation, as they may think best, a president, and they shall also elect a secretary and treasurer of said corporation, or they may elect one person as secretary and treasurer; and the election of such directors, and by them of a president and secretary and treasurer, shall constitute the organization of said corporation. The directors, president, secretary and treasurer so elected shall continue in office until their successors are elected and shall qualify, the election of the suc-

Organization.

cessors of the directors to be at a subsequent convention of the stockholders, the time and place of holding which may be fixed or designated by a by-law of said corporation, which may be adopted by the board of directors, and of which time and place the stockholders shall have such notice as the board shall direct.

SEC. 8. Be it further enacted, That said corporation, by and with the consent of the person holding the larger amount in value of the stock thereof, given in person or by proxy, either at the meeting of said stockholders first held for the organization of said corporation, under and in accordance with section 5 of this act, or at any subsequent meeting of said stockholders, duly and legally called for that purpose by the board of directors, shall have the power, and authority is hereby
Bonds. given to it, to execute and issue its bonds for such sums and in such amounts, and payable at such time or times as the said stockholders may determine, and bearing such rate of interest not exceeding eight per cent. per annum, as the said stockholders may deem best; and to secure the payment of the said bonds and the interest thereon, the said corporation is hereby authorized and empowered to execute, in its corporate name, a mortgage or deed of trust upon all of its property and franchises, or such part thereof as the said stockholders may deem proper; such bonds and mortgage, or deed of trust, to be signed and counter-signed by the president and secretary under the seal of said corporation; and the said corporation is hereby authorized and empowered to sell and dispose of its said bonds for the purpose of raising money, or for the purchase of property, or for any other purposes necessary to said corporation as the directors may think best, on such terms as the said board of directors may deem best for the company.

SEC. 9. Be it further enacted, That there shall be annual meetings or conventions of the stockholders of said corporation, at the principal office thereof, or at such other place as the stockholders may prescribe, for the election of directors, and for the transaction of such other business relating to the interests of the corporation, as such stockholders when so assembled, may deem necessary

or proper of the time and place of holding such conventions, such notice shall be given to the stockholders as may be prescribed by by-law or otherwise, or as may be directed by the board of directors, on omission of the stockholders to prescribe; bat no omission or failure to hold any such convention within the time prescribed, shall have the effect to cause a dissolution of such corporation, or the forfeiture of any of its rights, privileges, powers or franchises. It shall require a representation of as much as three-fifths of the stock held or owned in said corporation, by the stockholders in person, or by proxy, to form a convention competent to transact business binding on the corporation or its stockholders. After the organization of the corporation, the number of directors shall continue as provided in the seventh section of this act, until otherwise provided by said corporation which shall have the power to increase or diminish the number as to it shall seem best. A majority of the board of directors shall constitute a quorum for the transaction of any business which they are or may be authorized to transact. Said corporation, acting by its stockholders in convention, shall have power to enact or ordain all such rules and by-laws, not contrary to the constitution and laws of this State, or of the United States, as may be deemed needful and proper for the management and conduct of its affairs and business, and for the transfer of stock by its stockholders.

SEC. 10. Be it further enacted, That after the organization of said corporation, by and with the consent of the persons holding the larger amount in value of its stock first obtained at a meeting of the stockholders convened for the purpose of voting upon the proposition, to be held after thirty days notice given in pursuance of law, the said corporation* shall have the right to increase its capital stock, and to take and receive additional subscriptions to its capital stock, and in doing so, may, if it may deem proper and advantageous, receive such additional subscription, payable in whole or in part in property, real or personal, or rights or franchises, as subscriptions to its original stock are payable, as provided in this act, and may take and receive such subscriptions in the same manner from either individuals or corporations, and may take and receive proper conveyance for such property in-payment for such subscriptions.

Increase of capital.

Approved Feb. 21, 1893.

No. 465.] AN ACT [s. 222

To release and quit claim to Lydia Butler all interest of the State in certain real estate.

WHEREAS, a certain house and lot situated on the Pulaski road, Madison county, Alabama, assessed as the property of Lydia Butler, was on the 2d day of April, 1877, sold for taxes as her property and bought in by the State; And whereas, while the title to said property was held by the State, the same was again sold for taxes on the 16th day of May, 1881, as the property of said Lydia Butler, and bought in by the State; and whereas, said first sale is void under an act approved February 18, 1889, Acts '88-9, page 34-5; and whereas, said second sale is void for the reason that at the time it was made the title to said property was in the State, and the same was not subject to taxation; and whereas, said sales create a cloud upon the title of said Lydia Butler to said property ; Now, therefore,

Be it enacted, By the General Assembly of Alabama, That the State hereby remises, releases and quit claims unto Lydia Butler all its right, title and interest in and to a certain lot on the Pulaski road, Madison county, Alabama, purchased by the State for taxes on the 2d day of April, 1877, and again on the 16th day of May, 1881, as the property of said Lydia Butler; Provided, that this act shall not take effect, until said Lydia Butler shall pay, or cause to be paid to the tax collector of Madison county the taxes on said property for a period of five years at the assessed value of said property at the time of its sale for taxes by the State on said l6fch day of May, 1881.

Approved February 21, 1893.

No. 466.] AN ACT [s. 385.

To amend Section 484 of the Code.

Section 1. Be it enacted by the General Assembly of Alabama, That section 484 of the code be and the same is hereby amended so as to read as follows : 484. Assessments to unknown owners, how made, and fees therefor.

Whenever the assessor, while performing the duties of his office, knows or learns of any property, real or personal, subject to taxation in his county, the owner of which he does not know, and which is not embraced in and return made to him prior to the first day of June, by any tax-payer, he shall assess the value thereof to "owner unknown," according to the best information which he can obtain, in all respects in the same manner as he is required to make assessments of property to persons who do not make returns of their property to him; and such assessments shall be entered and returned, as is required in the case of assessments made on the returns of tax payers; and the assessor shall be entitled to the same fees for making such assessments as for demands made by him on tax payers.

Approved February 21, 1893.

No. 467.] AN ACT [s. 10.

To amend an act entitled "an act to change and fix the rules of descent and distribution in this State as to persons dying intestate, who have no husband or widow or children or their descendants, but who have parents surviving them."

Section 1. Be it enacted by the General Assembly of Alabama, That hereafter in this State the real and personal property of all persons dying intestate who have no husband or widow or children or descendants of children, but who leave surviving a parent or parents, shall descend subject to the payment of debts and charges against the estate; first, to the parents in equal portions, and in case but one parent is surviving, then he or she shall be entitled to one-half of such estate, and the other half to the brothers and sisters of the deceased, or their descendants, as now provided by law, and if there be no brothers and sisters and their descendants, then the whole estate shall go to the surviving parent.

Approved February 21, 1893.

No. 468.] AN ACT [s. 162.

To authorize the judge of probate of Montgomery county to appoint a clerk to act as clerk of the county court of said county, and to fix his compensation.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the judge of probate of Montgomery county, as ex officio judge of the
Duty of clerk. county court, to appoint a clerk of the county court of said county, and that it shall be the duty of such clerk to keep the docket and papers of said county court, to issue subpoenas for witnesses therein and either in person or by deputy to attend each session of said court and to perform all clerical duties now required by the judge of the said county court, but before entering on the discharge of the duties of the office of such county clerk he must first give bond for the faithful discharge of the duties of the office in the same manner as bonds are required of circuit clerks in this State.

SEC. 2. Be it further enacted, That said clerk of the county court of Montgomery for the performance of the duties of his office shall receive a fee of two and a half
Fees. dollars ($2.50) in each case, which fee shall be taxed against the defendant on conviction, and shall be a claim against the fine and forfeiture fund of the county in other cases, the said fee of said clerk to be in addition to the fees now required to be taxed in cases before said court.

Approved February 21, 1893.

No. 469.] AN ACT [s. 393.

To confirm the incorporation of the Calhoun Club, of Anniston, Alabama, and to enlarge the powers and capacities of said club.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation of the Calhoun Club, of Anniston, Alabama, had under the general statutes
Charter confirmed. of the State of Alabama, be, and the same is, hereby confirmed, and that the name of said corporation shall be and continue to be the " Calhoun Club," and by that

name it may sue and be sued, and enjoy all the rights and privileges and franchises, and exercise, all the powers conferred by the general statutes under which said club was originally incorporated, and by this act, and by general laws relating to corporations of like kind, and all acts done by said club under its said name of the Calhoun Club, so far as the game are authorized by law, be, and the same are, hereby also confirmed.

SEC. 2. Be it further enacted, That said club shall have full power and authority to adopt such constitution and by-laws, not inconsistent with law, as may be necessary or proper to the selection of officers or agents, and their terms of office, the number, reception and expulsion or suspension of members, the regulation of fees and dues, and the collection thereof, and generally, to the government of the club and the management of its business, and to amend or change the same; Provided, however, that the constitution, by-laws and regulations of said club now in force shall continue of force until the same are repealed, altered or amended.

By- laws and rules.

SEC. 3. Be it further enacted, That said club shall have power and authority, in addition to those already conferred upon it, to lease or purchase such real estate and buildings, and to erect such buildings as may be necessary or proper for its own use; to acquire and hold such personal property for its own use; to acquire and hold such personal property as said club may see proper to acquire and hold; to operate or contract for a restaurant to be operated, to provide for and dispose of to its members cigars, cigarettes, tobacco, spirituous liquors, malt and vinous liquors, and such disposition shall not constitute a sale thereof, but shall be held and treated as a consumption by such members of their own property; to acquire and operate for the exclusive use of the members, billiard and pool tables and gymnasium, and to borrow money, and to secure the same by bonds and mortgages; Provided, however, that no indebtedness shall be created other than for current expenses, except by the consent of two-thirds of the members of the club, given at a regular meeting or at a meeting called for that purpose, of which meeting and of the time and place of holding the

Holding proerty.

same, and of the purpose for which the same is called, thirty days notice must be given to each member, who is at the time in the city of Anniston, and whose place of residence is known.

SEC. 4. Be it further enacted, That the term mem-
Members. ber, as used in this act, when used in respect to the power or authority of the club to borrow money and execute bonds and mortgages, shall not be construed to mean honorary non-resident members, and the club shall have authority to prescribe the powers, rights and privileges of all honorary or non-resident members.

Approved February 21, 1893.

No. 470.] AN ACT [s. 351.

To subject shares or interest in the stock of private corporations to levy and sale for the payment of taxes.

Section 1. Be it enacted by the General Assembly of Alabama, That shares or interests in the stock of private corporations are subject to levy and sale for the payment of all taxes assessed against the owner thereof. To accomplish such levy and sale the tax collector shall make out and certify to the judge of probate a bill against such owner for the amount of the taxes due from him and any fees due the assessor or collector, and upon the approval thereof by the judge of operate as a fieri facias, and thereupon such shares and interests may be, by the tax collector or his deputy, levied upon and sold for the payment of such taxes and fees and all costs, in the manner provided by section 1673 of the code of 1886, for the levy and sale of such shares under attachment or execution.

Approved Feb. 21, 1893.

No.471.] AN ACT [s.327.

To provide for the county court of Blount county, to be held at the court house at Bangor for the trial of all causes cognizable in said court, arising in the western division of said county.

Section 1. Be it enacted by the General Assembly of Alabama, That the judge of the county court of Blount county shall hold regular terms of the county court, once every three months, at the court house in Bangor, for the trial of all causes cognizable in said county court, and arising in the western division of said county. That the judge may fix such times for holding of such courts as he may think best, and give notice of the same, when so fixed, in some newspaper published in said county, and that such judge may change the time of holding such courts after the same shall have been so fixed, on giving thirty days notice of such change in a newspaper published in said county. Terms.

SEC. 2. Be it further enacted, That it shall be the duty of the court of county commissioners of Blount county, at the expense of the county, to furnish all books and stationery necessary and proper to be used in such court in the western division of said county, that all the books, records and papers used in such court shall be kept at the office of the probate judge, at Bangor, in said county. Books, &c.

Approved February 21, 1893.

No. 472.] AN ACT [s. 595

Granting a right of way to Bear Creek Mill Company over the lands belonging to the State, in townships five and six north, ranges six and seven east, lying in the county of Monroe.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Bear Creek Mill Company, their successors and assigns, be, and they are, hereby authorized and empowered to locate, construct, own and operate one or

more log ponds, timber booms, waste ways, railways, tramways and canal on and over any lands belonging to the State, lying in townships five and six north, ranges six and seven east, in the county of Monroe, to and from said company's mill, located thereon, and such location and construction shall vest in said company the easement herein provided for the uninterrupted transportation of its logs, timber, lumber and supplies over the lands herein described.

Approved February 21, 1893.

No. 473.] AN ACT [s. 514.

To amend section 33 of an act to create a new charter for the city of Florence.

Section 1. Be it enacted by the General Assembly of Alabama, That section 33 of an act entitled an act to create a new charter for the city of Florence, approved Feb. 28, 1889, be, and the same is, amended so as to read as follows: That all real and personal property now used in said city for manufacturing purposes, and all such property as may hereafter within ten years from the 28th day of Feb., 1889, be used in said city for said purposes, be, and the same is, hereby exempted from the payment of city taxes for the period of ten years; Provided, that the owner or owners of said manufactory, or some person for him or them, shall file with the clerk of the board a declaration or statement in writing of his intention to claim the benefit of such exemption, and shall describe as near as may be such manufactory, and give the name, if it has any, and also the amount for which it has last been given in for State taxes; and provided further, that such exemption shall not take effect until such declaration or statement is made and filed as hereinbefore provided.

Exemption.

Approved February 21, 1893.

No. 474.] AN ACT [s. 480

To amend subdivision (6) six of section one (1) of "an act to fix the times and places of holding the circuit courts in the various counties composing the ninth judicial circuit of the State of Alabama," approved Feb. 14, 1891.

SECTION 1. Be it enacted by the General Assembly of Alabama, That subdivision 6 of section 1 of an act to fix the times and places of holding the circuit courts in the various counties composing the ninth judicial circuit of the State of Alabama, approved February 14, 1891, be and the same is hereby amended so as to read as follows: 6. In the county of Etowah on the seventeenth Mondays after the second Mondays in January and July, and at each term may continue two weeks; Provided, that this act shall not take effect until after the spring term of said court is held for the year 1898. Approved February 21, 1893. Etowah.

No 475.] AN ACT [s.330.

To amend section two of an act entitled an act to incorporate the town of Riverside in St. Clair county, approved February 16, 1891.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section two of an act entitled an act to incorporate the town of Riverside in St. Clair county, approved 16th February, 1891, be amended so as to read as follows: Section 2. Be it further enacted, That the corporate limits of the town of Riverside, in St. Clair county, Alabama, shall, be as follows, to-wit: Commencing on the west bank of Coosa river at the northeast corner of the brick yard of Morris, Ison & Co., thence south to the corner of said brick yard, thence northwest along and with said brick yard, to where-J.R. Coleman's fence runs out by the Coleman Limits.

old gin-house, thence along said fence to Georgia Pacific railroad near the depot, thence down said railroad to McKenzie street, thence north along and with said McKenzie street, to Pine street, thence east along and with Pine street, to within one hundred yards of Depot street, thence north one hundred and forty yards, thence east to section line between sections twenty-six and twenty-seven, thence north along said section line to the northwest corner of lot known as the McBrayer house and lot, thence east along and with the eastern boundary of said McBrayer lot to the west bank of Coosa river, thence down said western bank of said river to the beginning point.

SEC. 2. Be it further enacted, That said section two as it now stands in said act be and the same is hereby repealed.

Approved February 21, 1893.

No. 476.] AN ACT [s. 358.

To amend sections 8 and 11 of an act entitled an act to establish and provide for the maintenance of a quarantine by improved methods against the introduction of yellow fever and other infectious and contagious diseases in the State of Alabama, approved February 16, 1891.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 8 of an act entitled an act to establish and provide for the maintenance of a quarantine by improved methods against the introduction of yellow fever and other infectious and contagious diseases in the State of Alabama, be and the same is hereby amended so as to read. as follows: Section 8. Be it further enacted, That for the purpose of aiding, the establishment and construction of said quarantine

Appropriation

plant, there is hereby appropriated from the moneys in the State treasury, not otherwise appropriated, the sum of twenty-five thousand dollars ($25,000), one-quarter

of said amount to be available and payable during each of the years 1891, 1892, 1893 and 1894, payments to be made upon the auditor's warrants, to be drawn on the treasurer and issued upon the certificate of the president and secretary of the said board; Provided, that the amount, necessary for the full construction, completion and equipment of said quarantine plant, and the said wharves, piers, docks, and other structures as hereinbefore authorized, over and above the amount hereby appropriated, shall be borne by the county of Mobile, and the entire expenses of maintaining such quarantine, including all repairs, additions or improvements that may be made by said board, over and above the amount received for fees and dues collected by such board, shall be borne by the county of Mobile and the city of Mobile equally, each paying one-half of the same; and it shall be the duty of the board of revenue and road commissioners of said county, and the mayor and general council of the city of Mobile, to make proper provisions therefor.

SEC. 2. Be it further enacted, That section 11 of said act be and the same is hereby amended so as to read as follows: Section 11. Be it further enacted, That no officer or employe of said board shall be paid or allowed to collect or to receive for any services rendered by him in connection with such quarantine any fee or compensation other than the regular salary, which shall be fixed by said board, and all fees and dues collected by said board, or its officers or agents, shall be covered into the treasury of Mobile county and shall be kept by the treasurer thereof as a special fund, designated "The Quarantine Fund." It shall be the duty of said board to audit monthly the accounts, receipts and expenditures of the officers of said board, and to direct the payment of any balance on hand into the treasury of Mobile county, and no expenditure of such funds shall be made except upon warrants drawn upon the treasurer of said county by the president, and countersigned by the secretary of the board; Provided, that a fund not to exceed two hundred dollars may be kept in the hands of tilt officers in charge of such plant

No fees to be paid.

with which to purchase fish, vegetables, fruit, etc., or to meet other expenses, concerning the disbursement of which he shall render monthly accounts to said board.

Approved February 21, 1893.

No. 477.] AN ACT [s. 376.

To establish a charter for Wyeth City, in Marshall county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants residing within the boun-
Corporation. daries hereinafter designated are hereby incorporated and constituted a body politic and corporate under the name of Wyeth City, and by that name may sue and be sued, receive and grant, and do all such other acts as natural persons may within the powers herein granted and conferred, and may purchase and hold property, real and personal, for municipal purposes, and may have and use a corporate seal that may be altered at pleasure.

SEC. 2. Be it further enacted, That the corporate limits of said Wyeth City shall be included within the following boundaries: Commencing at point of intersec
Limits. tion of Brown street and Carlisle avenue, running east to a point six hundred feet east of east side of railroad avenue, thence in a southernly direction and parallel with railroad avenue to Beard street, thence west along Beard street to Carlisle avenue, thence in a northernly direction along Carlisle avenue to a point of beginning in such a manner as to include in the corporate limits all of the streets and avenues above named. Said streets and avenues located as shown by map of Wyeth City, recorded in the office of the Probate Judge of Marshall county, and said corporate limits may be enlarged or contracted by the corporate authorities of said city. Said corporate authorities may divide said city-into four wards, and alter or change as authorities see fit: said alteration or changes being always made so as to apportion" representation as near as may be to the popular, vote.

SEC 3. Be it further enacted, That the first election of city officers elected by the people under this charter,

shall be held on the first Tuesday in April, 1893, and bi ennially on the first Tuesday in April thereafter, and the city officers so elected shall hold their several offices for the term of two (2) years, and until their successors are duly elected and qualified. Elections.

SEC. 4. Be it further enacted, That the mayor and aldermen for said city shall after the election held in pursuance of the provisions of section three of this act, designate the place of holding elections in said city thereafter, shall appoint three (3) managers of election, who shall be legal voters of said city; shall prescribe the manner of holding elections, and ascertain and declare who are duly elected. In case of a tie between any two or more candidates for the same office, the mayor and aldermen shall elect between such candidates and decide who shall fill the office in question; and vacancies in any of the city offices from any cause shall be filled forthwith by the mayor and aldermen. Future elections.

SEC. 5. Be it further enacted, That all male persons who have resided within the corporate limits for thirty days and are qualified electors under the laws of Ala bama shall be qualified electors in all municipal elections held under this charter. Electors.

SEC. 6. Be it further enacted, That the ballots cast at any election under this shall, after counting the same, be sealed up by the mayor and aldermen of said city and deposited with clerk of the circuit court of Marshall county, Alabama, who shall preserve the same twenty days after the result of the election is declared ; if there is no contest, said clerk shall destroy the same; but in the event of a contest the same shall be delivered to the judge trying such contest; that any election under this act may be contested in the same manner as is now or may hereafter be provided by the laws of this State for the contest of elections of judge of probate, so far as the same will apply to contest under this act. Ballots preserved. Contest.

SEC. 7. Be it further enacted, That after the first election no person shall hold the office of mayor or aldermen of said city who has not resided therein one year next preceding the election, and the alderman must be a resident of the ward, and a qualified voter therein for which he is elected at the time of his election. Qualification for office.

SEC. 8. Be it further enacted, That a majority of the board of mayor and aldermen shall be required to trans-

act any corporate business, but any number not less than two, may assemble at their regular place of meeting, adjourn from day to day, and compel attendance of absent members in such a manner and under such penalties as the board may prescribe; that the board may prescribe its rules of procedure, fine its members for absence or disorderly behavior, and fill all vacancies that may occur by death or otherwise. In the mayor's absence at any meeting of the board the members present may select their presiding officer, and in case of the mayor's sickness, or his temporary absence from the city, or his incompetency by reason of interest, or other inability to discharge the duties of his office, he or the aldermen may appoint any alderman to act as mayor in his stead, and such mayor pro tempore shall have all the powers of the mayor and perform all his duties.

Meetings of board.

SEC. 9. Be it further enacted, That it shall be the mayor's duty to preside and keep order at the meeting of the board. He shall call special meetings of the board whenever in his opinion the interest of the city require; he shall keep his office in said city, and hear and determine all cases of violation of all by-laws or ordinances or charter of said city, and punish the offender in such manner as the board may direct; he shall receive such fees and salary as the board may prescribe. From any judgment or decision of said mayor as such, an appeal may be taken by the defendant to the next term of the circuit court of Marshall county, Alabama, upon defendants entering into bond with good and sufficient security to appear at the term of the court to which the appeal is taken and from term to term thereafter until discharged by law, to abide by and perform whatever sentence may be adjudged against him, the bond to be payable to the city of "Wyeth City in such penalty as the mayor may prescribe, and to be approved by him, and such cause shall be placed on the criminal side of the docket, and if the defendant be convicted, the court or jury trying the case may impose fine and imprisonment, one or both, just as the mayor could have done under the ordinance of the city on the trial before him. And if the fine be not paid or the imprisonment imposed, the defendant shall be remanded to

Mayor's duties

Appeals.

the city prison, there to remain until discharged as provided by the ordinance of said city upon conviction before the mayor. In case defendant does not appear at the trial, but makes default, his bond shall be declared forfeited, and judgment shall be rendered thereon against defendant and his sureties as in State cases, except that the judgment shall be in favor of the city of Wyeth City; Provided, that such appeal be taken and fully perfected within five days from the rendition of such judgment by the mayor, and the case shall be tried de novo, and it shall be the duty of the court to speed the trial thereof. The mayor may punish any contempt while holding his court, or while the board is in session, by fine not exceeding twenty-five dollars, and by imprisonment not longer than ten days, one or both. He shall have the power to suspend the marshal or any policeman until the next regular meeting of the board, and report to said meeting the facts of such suspension and its cause, and he shall do and perform such other and further duties as the board may require. And he may compel the attendance of witnesses on his court by fining them not exceeding twenty dollars, to be enforced as other fines are enforced, if they fail to appear and testify before him, after being duly served with subpoena.

Subordinate officers.

SEC. 10. Be it further enacted, That the board may appoint a city marshal, clerk and treasurer, of said city, and such other officers as they may see fit, and think necessary for the good government of said city, and prescribe the duties of such officers, and their liabilities and powers and may require them to give bond in such sum as they see fit for the faithful discharge of their duties, and may discharge and remove such officers at their pleasure and fix their salaries. For any breach of the bond of such officers, suit may be brought and recovery had before any court having jurisdiction, and such suits shall be governed in the same manner as other like suits. The city council shall keep a regular record of all proceedings, orders, regulations and ordinances of the board, which shall be read to the board, and signed, by the mayor, or acting mayor, and the

same shall be of force and affect of a record, and a copy thereof duly certified by the clerk shall be prima facie evidence in any court of record or elsewhere, and said record shall at times be opened to public inspection.

SEC. 11. Be it further enacted, That the marshal-
Marshal. possess in said city all the powers of a peace officer; he shall execute the orders, notices and process of the board, and of the mayor, and may arrest without warrant for all violation of the city ordinances committed in his presence, but for all other violations of said ordinances arrest must be made with a warrant. He shall perform such other and further duties as the board may prescribe.

SEC. 12. Be it further enacted, That the mayor and aldermen of said city shall have full and complete powers:

1. To make and adopt by-laws and ordinances in
General powers of council. whatever manner and upon whatever subject to carry out the powers herein granted, and for the good government and order of said city, as they may think proper and generally in addition to the powers herein specifically enumerated, which are no limitation upon the powers included in this general grant of powers, to ordain and pass such ordinances and by-laws, not inconsistent with the laws of this State, as shall be needful for the government, police interest, welfare and good order of said city; and to fix thereto such penalties for the violation of the same by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the city not exceeding thirty days, and all persons convicted of any breach of the by-laws or ordinances of said city failing to pay or secure such fine may be imprisoned for such failure, or placed at hard labor for the city until such fine and costs are paid, in such manner as the board may direct not longer than thirty days; Provided, that any person shall have a right to give a stay bond, with two good and sufficient sureties, to be approved by the mayor, to pay such fine and cost within thirty days from the judgment imposing the same, but if after such bond and security such fine and cost be not paid in thirty days; execution to collect the same

may be issued against the obligors in said bond. The board may pass all needful laws to compel persons to work on the streets or elsewhere in the city, who refuse to work when under the mayor's sentence for violating any city ordinance. That no female must be punished by subjecting her to work on the streets.

2. To pass all laws or ordinances necessary to prevent the introduction of contagious or infectious diseases into such city, and to preserve the health thereof; to establish and regulate quarantine in said city, and within five miles thereof, and to punish any breach of quarantine law.

3. To prevent and remove all nuisances at the expense of the person causing the same or on whose premises the same may be found; to remove all decayed and dilapidated houses and structures calculated to produce disease, or dangerous or unfit for habitation, at the expense of the owner of the same, when they fail or refuse upon reasonable notice to remove or renovate and repair such houses or structures. Nuisances

4. To establish, set up and regulate hospitals, workhouses and houses of correction.

5. To license, tax, regulate, or restrain theatrical and other amusements; and selling, retailing or giving away vinous, spirituous, malt or intoxicating liquors or beverages.

6. To restrain or prohibit gambling, gaming houses, houses of ill fame. disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize fighting, cock fighting and anything else hurtful to the good order and morals of society, and all misdemeanors ; and all gambling implements and devices of any kind shall be subject to seizure and forfeited under such lawful rules and regulations as the board may prescribe, when said implements and devices are brought to Wyeth City or made or kept or found there to be used for gaming purposes. Gaming.

7. To appoint and regulate day arid night watchmen, police patrol and captain thereof.

8. To divide the city into wards and regulate and change the same. Wards.

9. To establish, regulate and control markets, market

houses, and to pass by-laws for the sale of meats, vege-
Markets. tables and other like articles within certain places and within certain hours.

10. To sink, repair and regulate public wells and cis-
Wells. terns ; to establish and regulate fire plugs and public hydrants and to make all needful provisions to supply the city with water, gas and gas light, and electric lights and to control street lamps.

11. To open, locate, repair and regulate and establish
Streets. alleys and streets, and to change, alter, abolish and vacate them or any part or parts thereof; to establish avenues, pavements, sidewalks, and curb and grade them and regulate the same, and to make all salutary by-laws respecting the use of the streets.

12. To establish and build drains and sewers, acqne-
Drains. ducts and reservoirs, and to regulate the same ; and to compel owners of lots or real property to drain the same, and ditch it at the expense of the owner, and to drain and ditch the same when the owner fails or refuses after five days notice to drain and ditch it, and tax expenses of said ditching and draining against the property ditched and drained, which tax shall have the lien of and be enforced and collected like other taxes. The board may extend drains and sewers beyond the city limits when necessary.

13. To establish and regulate, or change fire limits
Fire limits. within said city, and pass all laws necessary to the protection of said city against fire, and for this purpose may remove any wooden building or structure, paying the owner a reasonable price therefor; to require all owners of theatres, opera houses and all other houses where the public assemble in mass to provide said houses with fire escapes and a suitable exit.

15. To lay out, regulate and control city cemetery, burial grounds and to sell burial lots in same.

16. To prevent the running at large on the streets of
Loose stock. all dogs, cows, hogs, horses or other animals, and to pass all laws in the judgment of the board necessary for the sale and impounding of said animals, on proper notice to owners thereof.

17. To regulate and control running of cars on or across streets, avenues or alleys of said city, and to control the speed of such cars and locomotives in said city.

18. To pass all necessary and proper laws for the ar-

rest, with or without warrant, of all offenders against the city ordinances or State laws, and to confine such persons until tried, convicted or discharged by law.

19. To pass all laws and ordinances in relation to auctioneers plying their vocation on the streets, and to prohibit or regulate the same, and to regulate pawn brokers.

20. To make and ordain all necessary laws concerning idlers, tramps, paupers, prostitutes, gamblers, disorderly or vicious persons in correcting or restraining their vicious habits, and to compel such persons to give bond and security, to be approved by the mayor, for their good behavior for a reasonable time, or their failure or refusal to give such bond and security, for their condemnation to hard labor for the city for a limited time, not exceeding thirty days. Tramps.

21. To punish all persons who obstruct the marshal or other officers in the arrest of any person of said city, or in the lawful discharge of any duty in said city; and to punish all persons when called upon to aid in arresting any person, fail or refuse to give such aid.

22. Said board may establish necessary inspection, fix and regulate the size of bread and provide for the weighing and measuring of all kinds of produce for man or beast, and regulate the same. Inspection.

23. To regulate and control the manner of building partition walls and fences; to regulate the keeping and storage of guns, powder, or other dangerous material; guano, or other commercial fertilizer, within said city; to regulate and control the sweeping of chimneys, the use of lights, stovepipes and flues to all shops, stores, kitchens and other places; to cause the removal or pulling down of houses to prevent the spreading of fire and to extinguish the same.

24. To require property owners to keep sidewalks in front of their property in good order, and to pave the same when the board shall so order; to repair, keep in good order and pave sidewalks in front of such property whose owners shall, after being so ordered, fail or refuse to repair, keep in good order or pave sidewalks, for five days after notice, and to tax the same against such property, which tax shall have the lien of and be enforced and collected as other taxes. Sidewalks.

25. To exercise the power of eminent domain and

condemn private property for streets, alleys, drains,
Condemnation sewers, public parks and squares; to supply the city with
of property. pure water, and for all other public municipal purposes
proper, on making just compensation to the owners of lands condemned ; and the general laws of the State applicable to ad quod damnum suits and proceedings shall apply in all such cases. To build drains and sewers, and to supply the city with water, the corporate authorities may exercise the eminent domain powers as aforesaid outside of the city limits when necessary.

26. To grant the right of way through the streets,
Right of way. avenues and squares of said city for the purpose of street or other railroads, telephones, telegraph and electric light companies, and for laying pipes of gas and, water companies.

27. To provide for the pavement of streets, avenues
Paving. and alleys when petitioned by property owners who own two-thirds majority of the front feet of any street, avenue or alley to be paved. The cost of paving to be paid by the property owners, and to tax cost of same pro rata per foot against all property fronting on said street, avenue or alley, which tax shall have the lien and be enforced and collected as other taxes.

28. To punish injuries to streets and sidewalks and trees, and to private and city property.

29. To require each male inhabitant of said town, be-
Street tax. tween the ages of eighteen and forty-five years, not physically disabled, to pay a street tax of not exceeding over four dollars per annum.

SEC. 13. Be it further enacted, That this act is de-
Public act. clared to be a public act, and may be read in evidence in all courts of law ;and equity; and all ordinances, resolutions and proceedings of said city may be proved by the seal of the corporation, attested by the city clerk; an-d the same shall be received in evidence in all courts, and places without, further, proof.

SEC. 14. Be it further enacted, That the mayor and
Licenses. aldermen of Wyeth City;, shall have the authority to license, tax; and, regulate auctioneers, grocers, merchants, retailers, lawyers, brokers,, coffee houses, confectioners, bankers, butchers, peddlers, taverns, doctors, dentists, livery stable keepers, and all other privileges; and also to license, tax, regulate machinery, carriages, carts, omnibuses, wagons, drays, and all other vehicles,

SEC. 15. Be it further enacted, That said city council shall have the authority to levy and collect from all persons, firm or corporation trading or carrying on any business trade or profession, by agent or otherwise, in said corporate limits, a license tax, which shall be fixed and declared by ordinance. And the license so laid shall be issued and the amount imposed shall be collected as may be provided by ordinance of said corporation ; Provided, that not more than one license tax under this act shall be assessed against or collected from parties trading or doing business under a firm name; Provided further, that no license shall be exacted from any mechanic who employes no capital, but conducts the trade solely by his own skill and attention, without the aid of employees. The corporate authorities may also by ordinance impose fine and penalties, within the limitation of this act, as they may deem advisable for the doing of any business, or carrying on any trade, or exercising any privilege, or practicing any profession by any party who shall fail to take out such license as may be imposed by the corporate authorities. License taxes.

SEC. 16. Be it further enacted, That the corporate authorities of the city of Wyeth City may levy and collect each year, upon all real and personal property, and all subjects subject to State taxation within said city, except the subjects enumerated in section 454 of the code of Alabama, and except the tax levied on polls, a tax not exceeding one half of one per cent. of the value of such property, or subjects of taxation, as assessed for State taxation during the year preceding that for which the corporate authority may assess and levy the tax above provided for, and there shall be no exemption from such taxation. All property used exclusively for charitable, educational and religious purposes, or either of them, shall be exempt from taxation by said city. City taxes.

SEC. 17. Be it further enacted, That the taxable property of each tax payer, and the subjects of taxation on which he is taxable, and the amount of value of each item thereof, as valued by the assessor of Marshall county, for the preceding year, mentioned in section 15 shall be ascertained and fixed by the aforesaid tax as- Assessments.

sessor's books of such year, made by him according to law, and any supplemental assessment that may have been made by him for such year, all corrected according to the laws of Alabama.

SEC. 18. Be it further enacted, That the corporate authorities shall cause a copy of such tax assessor's books, corrected as aforesaid, for each preceding year, to be made and entered in a bound book, properly prepared for that purpose, with all additions and alterations that may have been made under the provisions of this act; but when the property or subjects have changed owners since assessments were made on it by said tax assessor, said copy shall be corrected as to show the true owner at the beginning of the year for which the tax provided for in this act is to be laid, and so as to show against whom the tax on each is laid; if the property has, since such assessment, been destroyed or greatly damaged by fire or other cause, this shall also be rated with estimated amount of damage.

Assessor's books.

SEC. 19. Be it further enacted, That so soon as the book provided for in the preceding section is made and corrected, it shall be filed with the clerk of the city of Wyeth City, where it shall remain for twenty days open to public inspection, and notice of the fact shall be immediately given by said clerk by publishing in some newspaper, or by posting said notice in three public places in said city for ten days. Any person charged in said book as the owner of any property or subject of taxation which he was not the owner of, on the first Tuesday in April, 1893, and thereafter the first day. of January, of the year for which the tax therein provided for is to be laid shall, within twenty days, file with the clerk his affidavit to that effect, and if he owns the owner shall state who it is, or that he does not know. Any tax payer may file objections as to the correctness of said book of the tax assessor of Marshall county, stating wherein said copy does him injury. Upon notice with the clerk that these objections and correct said book accordingly, and their decision on such objections, and as to all corrections to be made shall be final. Said mayor and alderman shall continue its ses-

Correction of tax books.

sion from day to day until all objections filed are disposed of and no longer.

SEC. 20. Be it further enacted, That a majority of the mayor and alderman shall be a quorum for the transaction of all business, and as soon as possible after the lapse of said twenty days, said board shall lay and levy for the current year the tax authorized by this act on all the property and subjects of taxation so listed and valued in the book heretofore mentioned, corrected as aforesaid. Levying taxes.

SEC. 21. Be it further enacted, That the taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for said taxes so levied, and all other taxes authorized by this act, the city of Wyeth City shall have a preferred lien over all incumbrances and securities whatsoever, except county and State taxes against the property of any persons under this act, or for which such persons may become liable for the current year, shall be a lien upon the real and personal estate of such persons within said city of Wyeth City from the first Tuesday of April 1893, and from the first of January thereafter, or if brought in there after that time, the lien shall attach from the time it is brought into said city. Tax liens.

SEC. 22. Be it further enacted, That after the taxes shall be so fixed and levied, the mayor of said city shall certify the same at the end of said tax boob, and append thereto his warrant directed to the person authorized to collect taxes for the city of Wyeth City, authorizing and commanding such officer to collect the taxes so levied, and shall deliver said tax book and warrant to such tax collector, and said collector of taxes shall thereupon forthwith notify the public by advertisement for thirty days in some newspaper or in three public places, posting the same in Wyeth City, that he is ready to receive taxes for said city. Collection of taxes.

SEC. 23. Be it further enacted, That after thirty days have elapsed from the first publication of such notice the city tax collector shall make personal demand on delinquents wherever they may be found for their Delinquents.

taxes and cost, and whenever unable to find them, shall leave a written or printed notice at the place of residence of such tax payers requiring them to come forward and pay such taxes and costs immediately, and for giving such notice the tax collector shall collect fifty cents; and it shall be the duty of such delinquents forthwith to make payment of their taxes and fees to the tax collector at his office, but no demand or notice shall be necessary to tax payers who are non-residents of such city.

SEC. 24. Be it further enacted, That the collector of taxes shall be charged with and accountable for the whole amount of taxes assessed for the year or fraction thereof, and can only be discharged from accountability by showing that the taxes unpaid could not be collected by the means given him for their collection.

SEC. 25. Be it further enacted, That all taxes laid under this act which are not at the end of ninety days from the first publication of the notice required in this act, paid, shall be in arrears and delinquent from that date, and after the expiration of said ninety days as aforesaid, the tax collector may levy upon and seize any personal property, if there be any, and if there be none, or not sufficient personal property, then upon the real estate of such delinquent tax payers; Provided, that a failure to levy on and sell any personal property for taxes shall not vitiate the sale of real estate of such delinquent tax payer for taxes and cost of sale, and no personal property sold for taxes shall be subject for redemption, and no property shall be exempt from levy and sale for the payment of taxes and the fees and charges lawfully incurred in their assessment and collection.

Levying on property.

SEC. 26. Be it further enacted, That it shall be the duty of the tax collector, whenever upon information or otherwise he has good reason to believe that any person owing taxes, whether due or not, is about to leave or remove his property from the city, and thereby the collection of such taxes are in danger, to make out and certify to the mayor of the city a bill against such person for the amount of taxes and fees due thereon, and upon the approval thereof by the mayor

Escaping taxes.

in writing endorsed thereon, such writ shall operate as a writ of fieri facias, which the collector is authorized to execute by levy and sale in the same manner as sheriffs are authorized to execute such writs when issued out of the circuit court.

Notice of sale.

SEC. 27. Be it further enacted, That when real estate is levied on for taxes, notice of the sale shall be given ten days before the sale by posting in three public places or by publishing in some newspaper, and the land so levied on must be described by such numbers and abbreviations as will clearly indicate the land to be sold, and the sale of such property shall take place in front of the postoffice in Wyeth City, commencing on the day indicated in the notice, and continuing from day to day until completed.

Bidding in property.

SEC. 28. Be it further enacted, That at all sales by tax collector of property for taxes, he shall attend and bid off for the city of Wyeth City as purchaser all the lots and lands on which the tax collector can not get a bid from other persons, for the taxes and expenses of sale, and the city of Wyeth City shall have a certificate of purchase, and be invested with all the title of the property so bought in, subject to redemption as hereafter provided. When any real property is sold by the tax collector for non-payment of taxes, he shall give the purchaser at such sale a certificate to the following effect:

I..... tax collector for the city of Wyeth City, do hereby certify that the city taxes for the year 18.... (or the particular tax or assessment, as the case may be), amounting in all to $..... being due and unpaid by A. B., the owner or agent therefor, I have this day sold for the payment of taxes due by the said A. B., and for the collection of costs of levy and sale to C. D., who has paid the amount of taxes due as above, the following piece, parcel or lot of land in the city of Wyeth City, and bounded and described as follows: (insert description), by virtue of the power given me by law, I hereby authorize said C. D. to have and to hold the above described lands and tenements until the same shall be redeemed according to law. In witness whereof I have hereunto set my hand and affixed the seal of this corporation this, the .....day of.....18....

.....Tax Collector.

Said certificate shall be now prima facie evidence of the regularity of all the previous proceedings, and of all the facts stated therein, and no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person than the owner, or as property of an unknown owner, or on account of any informality or irregularity whatever in the proceedings for its assessment of sale unless the person impeaching said sale shall show that the taxes so assessed on said property, and all penalties accruing on said assessment and the proceedings for sale were paid at the time of such sale. Any real property sold under this act may
Redemption. be redeemable by the owner or any person interested therein within two years after said sale, by paying to the city of Wyeth City amount of purchase money, all subsequent taxes and costs that may have been paid by the purchaser, and interest at the rate of fifteen per cent. per annum, and thereupon shall receive a certificate of redemption therefor. It shall be the duty of the city tax collector to keep in his office, in a book provided for the purpose and properly indexed, a record of all certificates of purchase issued by him, and when real estate shall be redeemed as herein provided, it shall be such tax collector's duty to note such redemption on such record, and when the purchaser or his assignee shall demand the money paid on such redemption he shall pay the same to him upon the surrender of the certificate of purchase, and on his failure to do so he and his bondsmen shall be responsible to the person entitled to such redemption money. Said tax collector shall give to the person redeeming any real property a certificate of redemption signed by him, setting forth the facts of the sale substantially as contained in the certificate of sale. The date of redemption, amount paid, and by whom redeemed, and such certificate shall be prima facie evidence of the facts therein stated, and the collector shall make such report of the redemption as the corporate authorities may require. After the expiration of two years from date of sale the tax collector then in office shall, upon application of holders of certificates of purchase, make out a deed to each lot or parcel of land sold and unredeemed, and deliver the same to the purchaser or

his assignee upon return of certificate of purchase, payment of all subsequent taxes on the property, and one dollar for the deed; but any number of parcels of real property, for which one person may hold certificates of purchase, may be included in one deed. Such deed shall be signed by the tax collector in his official capacity and acknowledged by him before some officer authorized to take acknowledgments, and when so executed and recorded, shall vest in grantee all rights, titles and estates of former owners, free from all incumbrances made or suffered by them, except State and county taxes. Such deeds shall be prima facie evidence in all courts of this State in all controversies and suits in relation to the rights of the grantee therein to the land conveyed, of the facts recited in said deed, of the regularity of all proceedings in assessment and sale of said property required by this act, and of the title of the grantee, his heirs and assigns.

Tax deeds.

SEC. 29. Be it further enacted, That the corporate limits of Wyeth City, Alabama, or as they may hereafter exist, shall constitute a public school district, separate and apart from the remaining school districts of Marshall county, and shall be known as the Wyeth City public school district.

School district.

SEC. 30. Be it further enacted, That the public schools of Wyeth City shall be under the charge of the board of mayor and aldermen, who shall have full power to establish a school system, to elect such teachers and officers as may be necessary in providing suitable public schools for the inhabitants of said city and to enact such ordinances and by-laws as may become necessary in carrying on and regulating the public schools

Government of schools.

SEC. 31. Be it further enacted, That the Wyeth City public school district shall receive its proportionate share of the public school revenue, including its pro rata share of the sixteenth section funds, and shall receive the poll tax collected as poll taxes within the limits of said school district for the use and maintenance of the public schools therein, and the city council shall appropriate not exceeding ten per cent. of the gross revenues of Wyeth City, exclusive of the funds otherwise provided for the use and maintenance of said schools, and the purchase of, erection, lease, repair and furnishing of school houses, and for the purchase and lease of lands on which to erect

School funds.

said school buildings in the same manner as county superintendents receives school funds. All moneys collected, received, appropriated or donated, by or for said school purposes, pursuant to this act shall be paid over to the city treasurer as a separate fund.

SEC. 32. Be it further enacted, That this act shall go into effect immediately on its passage.

Approved Feb. 21, 1893.

No. 478.] AN ACT [s. 367.

To establish a new charter for the town of Bolling, in Butler county.

Section 1. Be it enacted by the General Assembly of Alabama, That the town of Bolling, in the county of Butler, and the present and future inhabitants of said
Corporation. town, as by this act incorporated, shall be, and they sre by this act made and constituted a body corporate and politic, under the name and style of "the town of Bolling," under and by which name and style, and acting by and through the proper officers of said corporation hereafter to be designated, all the corporate powers and privileges of said town by this act granted, shall be executed and carried into effect as required; and under its corporate name aforesaid the said town corporation shall sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, receive and hold, and, sell, grant, alien, mortgage, assure or let property, real or personal, may have and use a common seal, which may be changed at pleasure, and may do and perform all acts incident to such corporations, not inconsistent with the laws of this State.

SEC. 2. Be it further encted, That the said town shall consist of and include all the territory, which is included
Limits. within a radius of one half mile from the warehouse depot of the Montgomery and Mobile railway company at Bolling station in said county.

SEC. 3. Be it further enacted, That the government of
Government. said town shall be styled the "Town Council of Bolling," and shall consist of a chief officer, to be styled the mayor of the town of Bolling, and five councilmen, each to be

elected by the legal votes of the town. The person receiving the highest number of legal votes for the office of mayor, shall be elected mayor, and the five persons receiving the highest number of legal votes for councilmen shall be elected councilmen. Every citizen of said town who would be a legal voter at an election for members of the legislature, and shall have been a resident of said town for thirty days next preceding the election, shall be a legal voter at such election for mayor and councilmen. All elections for mayor and councilmen under this act shall be by ballot, and no person shall be eligible to office under this act unless in addition to being a qualified voter of said town, he shall have resided therein twelve months next preceding the election, and the mayor shall be ineligible to the office of mayor as his own successor.

SEC. 4. Be it further enacted, That an election for mayor and councilmen of said city shall be held bi-ennially on the first Monday in June each election year. The next ensuing election for mayor and councilmen in said town shall be held on the first Monday in June, A. D. 1893. Said election shall be conducted according to the election laws of this State, and said town councilmen shall appoint managers of the election, to consist of such number of persons as may be deemed expedient; the votes to be returned to the acting mayor, and by him laid before the town council to be examined and counted. The said town council shall be the judges of all the elections, and shall have full power to determine all matters in relation to elections, and to ascertain the legality of voters, and in counting shall reject all illegal votes, and count only such as are legal. In the event that two or more persons shall have an equal number of legal votes for the office of mayor, the councilmen for the time being, or a majority of them, shall determine which of said persons shall be mayor, and in case of a tie vote in election of councilmen, the mayor, and the councilmen then acting, and not interested in the decision to be made, shall determine which of the persons having the tie vote shall have the office, except that in cases where the vacancies occur by reason of the expiration of the term of office for which the mayor or councilmen were elected, the office of mayor shall be filled by the councilmen, and the office of councilman shall be filled by the mayor and councilmen then acting. The said mayor and councilmen shall

Elections.

hold their office until the next succeeding election, after their election or appointment, and until their successors are duly elected and qualified. If a vacancy occur in the office of mayor or councilmen, by death, resignation or otherwise, such vacancies shall be filled, if of councilmen, by the mayor and councilmen, or if of mayor, by the councilmen. The said mayor and councilmen shall re-

Tenure of office.

side within the limits of said town. The intendant and councilmen who shall be in office in said town at the passing of this act shall hold their office until the next ensuing election for mayor and councilmen in said town on the first Monday in June, A. D. 1893, and until their successors are duly elected and qualified.

SEC. 5. Be it further enacted, That the first election for mayor and councilmen under this act shall be held

First election.

under the direction and supervision of the intendant and councilors of Boiling, holding office at the time of the approval of this act, and said intendant and councilors shall prescribe the time and place of such first election, and shall be judges thereof, and shall make and prescribe a certificate showing the number of legal votes for the office of mayor, and the five persons who receive the highest number of legal votes for councilmen of said qtown. In case of a tie vote, either for mayor or councilmen, the intendant and councilors of said town, or such of them as may not be interested in the question, shall determine who shall be mayor or councilmen, as the case may be. All elections for mayor and councilmen under this act shall be by ballot, and no person shall be eligible to office under this act unless, in addition to being a qualified voter in said town, he shall have resided therein twelve months preceding the election.

SEC. 6. Be it further enacted, That the mayor and each councilman and other officers, before entering upon

Official oaths.

the duties of his office, shall make and subscribe an affidavit that he will faithfully, and to the best of his ability, perform the duties assigned to him, without favor or partiality, which affidavit shall be filed in the office of the mayor of said town.

SEC. 7. Be it further enacted, That the said town councilmen shall have power and authority to pass all

General powers of council.

such by-laws as may be deemed necessary and proper for its government, not inconsistent with the laws of the State, and the same to alter and repeal when they may

deem necessary; and shall have full power and authority to pass and enforce all ordinances deemed necessary and proper to preventcontagious diseases from being introduced or kept in said town, and to preserve the health of its inhabitants; to prevent and remove all nuisances at the expense of the person causing the same, or upon whose property it may be found; to license, tax, regulate, or restrain all shows and theatrical amusements, exhibitions and lectures ; to prohibit and suppress gaining and gaming houses and houses of ill fame within said town ; to appoint night and day watches, and captains of the same; to make, alter and ascertain new streets and alleys; to clear and keep in repair the streets and alleys; to establish necessary inspections ; to erect and regulate markets, to erect public scale houses with proper scales, weights and measures, to weigh and measure in case of disagreement of buyer and seller; to license and regulate wagons, carts and drays running in said town for hire; and, generally, to pass such by-laws and ordinances not contrary to the laws of this State or to the constitution and laws of the United States, as said council shall deem necessary and proper 10 carry into effect the true intent and meaning of this act, and the same to enforce, alter and repeal; Provided, that no purchase of real or personal estate or sale or mortgage of same above the amount of one hundred dollars, made by said mayor and councilmen, shall hold good and valid without a ratification of the same by a majority of the citizens entitled to vote in said town at a special balloting held for the same.

SEC. 8. Be it further enacted, That the said town council shall have power to appoint and remove at pleasure a secretary and treasurer, and also to elect and remove at pleasure a marshal and such other officers as they may deem necessary and proper, and to prescribe their duties, and require such bonds and security as they may deem necessary, and to fix the fees and salaries of the mayor, treasurer and marshal, and other officers appointed or elected under this section, and to impose upon them such fines for neglect of duty in office, not exceeding one hundred dollars, as they may deem necessary; and in case of temporary disability of any of said officers, the said council are empowered to appoint substitutes in his or their place, until his or their disability is removed. The said town council are empowered to levy such fines, not

Subordinate officers.

exceeding one hundred dollars, for a breach or breeches of their by-laws or ordinances as they may deem proper, and to enforce and collect the same in such manner as may be prescribed by ordinances, by execution against the property or by committing to jail or hard labor for the town, as they may deem necessary and proper, which fines shall be paid in the treasury of the town; Provided, however, that said city authorities shall have the right and power, in case they do not desire to work those convicted upon the streets of the incorporated town, then they are authorized to hire them out to any other party at hard labor, proceeds to go into the treasury of the incorporated town. The said treasurer and marshal and other officers appointed or elected under this section shall hold their office, unless sooner removed by town council appointing or electing them, until their successors in office are appointed or elected by the next succeeding town council and duly qualified, which said election or appointments shall be had by each succeeding town council at its first regular meeting after its election and qualification.

SEC. 9. Be it further enacted, That the said town council shall have the power and authority to assess and collect annually, within the limits of said town, all the revenue necessary for its government and the payment of its debts, as follows: On all real estate and personal property within the town limits subject to tax by the laws of the State, they may levy a tax not exceeding one-half of one per cent. on the cash value thereof; on all goods and merchandise for sale, upon the largest amount at any one time on hand during the preceding year, a tax not exceeding one-half of one per cent., but if the dealer in such goods commenced business since the first of January of the current year, then upon the amount on hand at the time of making the assessment; on capital invested in mills, gins, tanneries, cotton pickeries, warehouses, or other manufacturing establishments, a tax not exceeding one-half of one per cent.; on all goods or articles sold at auction, a tax not exceeding one per cent. on the gross amount of commissions, charged or received, of factors, brokers, commission merchants, or auctioneers, a tax not exceed-

Revenue and taxes.

ing one-half of one per cent., on the gross amount of premiums or gains received from their business of any bank or insurance company, a tax not exceeding one per cent. or a license not exceeding one hundred dollars; on the gross receipts of railway, or telegraph, or express companies, a tax not exceeding one-half of one per cent.; on the net profits of mills, gins, tanneries, cotton pickeries or other manufacturies, or from storage of cotton, merchandise or other produce, a tax not exceeding one-half of one per cent.; on all salaries, a tax not exceeding one-half of one per cent.; on each fire insurance company, doing business by an agent, in said town, a license not exceeding twenty, dollars; on each life insurance company, doing business by an agent, in said town, a license not exceeding twenty dollars; on every cart, dray, wagon, or other vehicle used principally for the transportation of goods and commodities within the limits of said town, for hire, a license not exceeding twenty dollars; on every retailer of spirituous liquors within the limits of said town, a license not less than one hundred dollars, nor more than one thousand dollars; on each huckster, doing business in said town, a license not exceeding ten dollars; on each peddler of any article within the limits of said town, not exceeding fifty dollars; on each auctioneer of goods, wares or merchandise of any kind or description, within the limits of said town, a license not exceeding one hundred dollars; for each exhibition of a circus, within the limits of the town, a license not exceeding one hundred dollars; on all other business or employment, authorized by the revenue laws of the State to be licensed, a license not exceeding the amount of State license for the same business.

Licenses.

SEC. 10. Be it further enacted, That the mayor of said town, or in his absence any councilman acting for mayor, shall be and is hereby vested, ex officio, with, and may exercise in said town all the powers and authority that belongs to the justice of the peace by the laws of this State; and the marshal of said town shall be ex officio a constable, and be vested with and exercise all the powers and authority of a constable of this

Powers of mayor and marshal.

State; and the said marshal and mayor, or councilman acting for mayor, shall be liable respectively, to the same penalties and restrictions as are imposed by the laws of this State upon the several officers with which they are invested. It is made the duty of the jailer of said county of Butler, to receive all prisoners committed for the violation of the laws of this State, by warrant of said mayor, or councilman acting for mayor of said town, and the persons so committed safely to keep until released by due course of law.

Tenure of office.

SEC. 11. Be it further enacted, That should the election not take place on the day fixed for the biennial election of mayor and councilmen, said town corporation shall not for that cause be dissolved, but the incumbent shall remain in office until their successors are elected and qualified, and it shall be the duty of the town council to fix some other day, as early as convenient within one month thereafter, on which said election shall be held.

Street work.

SEC. 12. Be it further enacted, That the inhabitants of said town are exempt from working on the roads without the limits of the town corporation, and also from patrol duty. The streets and highways in said town shall be kept in repair by the city, and all male citizens of said town, within the ages required by the laws of this State to perform road duty (not otherwise exempt), may be required to perform ten day's work on the public streets of said town in each year, or in lieu thereof, may pay a street tax of three dollars each year.

Mayor's court

SEC. 13. Be it further enacted, That it shall be the duty of the mayor to preside and keep order at all meetings of the town council, and to call extra meetings of the same whenever the interest of the town require it; he shall hear and determine upon all causes for breaches of the ordinances and by-laws of the town, and may receive such fees and salary as may be prescribed by the town council. In the absence or disability of the mayor, the council shall select one of their number mayor pro tern, who shall discharge the duties of said office, and be entitled to the benefits of the same until

the mayor returns, or his inability removed. Two councilmen may call a meeting; the mayor and three councilmen, or four councilmen, shall form a quorum for business.

SEC. 14. Be it further enacted, That the said town council shall cause an assessment of taxes to be made annually by the marshal of said town, or any sworn deputy they may select in his place whose duty it shall be to receive from any person liable to tax in said town, his or her declaration, under oath, of every item and particular upon which said person is liable to be taxed, together with the valuation of the same, at and within the time appointed by the said council, in the same manner and with the same restrictions as apply to the State and county assessments. And if any person fails or refuses to give in his or her assessment lists, and in the judgment of the marshal or other assessing officer places an unfair valuation upon the property returned, the marshal or assessing officer shall assess the same at what he believes to be its fair value; and he shall likewise assess all property whose owner or owners are unknown. Said assessment, when completed, shall be returned to the mayor, to be laid before the town council by him; and the mayor shall give at least ten days publication by advertisement posted in three public places in the town, that the assessments are closed, and fixing the day when the council will meet to hear and determine upon all complaints which may be made against said assessments. It shall be the duty of said council to correct all errors, supply all omissions in assessments, and to revise the valuation placed upon property by tax payers, as to do justice to all, and equalize taxation as near as practicable; but the valuation of no property shall be raised without first notifying the owner thereof, and permitting him to lie heard in relation thereto. When all corrections and other alterations have been made in the assessments by the council, and certified by the mayor, the said assessment lists shall have the force and effect of a judgment and execution, and may be collected by levy and sale of property on giving such notices as are required by law on executions from the circuit courts of this State. Said assessment list so revised by the town council, creates and establishes a lien in favor of the town, for the amount of taxes assessed against each

Assessment of taxes.

tax-payer respectively, upon all the property embraced in his assessment list, prior and superior to all other liens whatever, except the lien of the State for taxes due on the same property. All sales made under and by virtue
Tax sales. of such assessment shall convey to the purchasers the same title as if sold by execution from the circuit courts of this State. In case of sale of real estate, the marshal shall give the purchaser a deed of conveyance, which shall invest in him the same interest that was held by the person against whom such tax was assessed at the time of the assessment. When a tax is assessed upon property, the owner of which is unknown, thirty days notice of the time and place of sale, specifying the property and tax thereon, be given in a newspaper in Butler county, at the expense of the property. The owner of any-real estate
Redemption. sold for taxes shall have the right to redeem the same by paying the treasurer of said town, for the party interested, the amount of the purchase money, with interest thereon, at the rate of twenty per cent. per annum from the date of sale, the cost of the certificate of purchase, all taxes which have accrued thereon subsequently to the sale, together with all other costs and charges, any time before the expiration o two years from the date of sale; but the real property of any infant or lunatic, sold for taxes, may be redeemed within one year after the removal of such disability upon the terms herein specified. No property belonging to a defaulting tax-payer of said town shall be exempt from levy and sale for the taxes due from said tax payers.

SEC. 15. Be it further enacted, That the said town council of Bolling shall have fn1l power and authority to
Regulations. make, ordain and enact such laws and regulations, not contrary to the constitution and laws of this State, as they may deem necessary, in relation to the streets and highways, public buildings, powder magazines and every matter or thing which they may think indispensable for the good order and welfare of said city.

SEC. 16. Be it further enacted. That the said town council of Bolling shall be and is hereby empowered, in
Defacing addition to the power already conferred by this act, to
buildings. pass ordinances or by-laws to regulate for the punishment of such as may injure or deface the public buildings or grounds belonging to said town.

SEC. 17. Be it further enacted, That said town coun-

cil shall be and is hereby vested with full power and authority to close or open any street, or part of any street, which in the judgment of the council may be best and most advantageous for the interest, of the town; Provided, that if the interest of any private party is hereby injured, such party may have, by fair arbitration, due allowance of compensation first made to him for the same; and the said council is invested with the power and discretion in relation to the disposition of all property, real, personal, or mixed, belonging to said town, or which may be hereafter owned by said town. All the property and rights of whatever description belonging to said town of Bolling, or which may belong to said town, at the lime of the ratification of this charter, as hereafter provided, shall be and the same is by this act vested in the said town.

Opening streets.

Approved February 21, 1893.

No. 479.] AN ACT [s. 375.

For the protection of landlords, proprietors or keepers of hotels and boarding houses.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any person who by fraud or misrepresentation obtains any board or lodging from the landlord, proprietor or keeper of any hotel or boarding house, and fails or refuses to pay for the same, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than five hundred dollars, and may also be sentenced to hard labor for the county for not longer than six months.

Approved February 21, 1893.

No. 480.] AN ACT [s. 183.

To repeal an act entitled an act to regulate the trial of misdemeanors in Colbert county, approved December 12, 1888.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to regulate the trial of misdemeanors in Colbert county, approved December 12, 1888, be and the same is hereby repealed.
Approved February 21, 1893.

No. 481.] AN ACT [s. 371.

To require tax collectors to make a consolidated report of the poll tax to the State superintendent of education and to the county superintendent of education.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of each tax collector to make a consolidated report of the net amount of poll tax collected by him each year and paid into the State treasury by township and range a separate school district, showing the amounts collected from the whites and the amounts collected from the colored separately, and said report shall be made within ten days after he shall have made a settlement of his poll tax account with the State auditor. Said reports shall be made to the State superintendent of education and to the county superintendent of education.
Approved February 21, 1893.

No. 482.] AN ACT [s. 140.

To declare and fix the beginning and duration of the terms of the several executive and judicial offices in the State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the governor, secretary of state, state auditor, state treasurer, attorney-general and superintendent of education shall hold their respective offices for the term of two years from the time of their installation in office and until their successors shall be elected and qualified, such installation to take place on the 1st day of December next after their election, except when that day falls on Sunday, when it shall take place on the following Monday. State officers.

SEC. 2. Be it further enacted, That the commissioner of agriculture shall bold office for the term of two years from the 1st day of September next after his election, and until his successor is elected and qualified. Vacancies in said office shall be filled by the governor for the unexpired term and until a successor is elected and qualified. Commissioner of Agriculture.

SEC. 3. Be it further enacted, That the chief justice and associate justices of the supreme court, circuit judges, chancellors, judges of probate and clerks of the circuit court shall hold their respective offices for the term of six years from the 3d day of November next after their election and until their successors are elected and qualified. Judges.

SEC. 4. Be it further enacted, That sheriffs, tax assessors, tax collectors, county treasurers, coroners, justices of the peace and constables shall hold their respective offices for the term of four years from the first day of September next after their election and until their successors are elected and qualified, but as to county commissioners and treasurers this section shall not apply to counties where special laws as to those officers are in force. County officers.

Approved February 21, 1893.

No. 483] AN ACT [s. 422.

To amend and confirm the charter of the Commercial and Industrial Association of Montgomery, Alabama, organized in Montgomery county, Alabama, under the general incorporation laws of the State, for the purpose of promoting the social intercourse of its members, and the commercial and industrial interests. of the city of Montgomery, and State of Alabama, and for increasing the powers of said corporation.

WHEREAS, the Commercial and Industrial Association of Montgomery, Alabama, a corporation organized
Preamble. under the general incorporation laws of the State, for the purpose of promoting the social intercourse of its members, and the commercial and industrial interests. of the city of Montgomery and State of Alabama, and not for pecuniary purposes, desires—

First. To increase its membership beyond the limit- fixed by the general law under which it is organized; and

Second. To purchase, own, improve, and, if found
Purposes in desirable, sell a site for a building, or a building and
view. site, or of leasing and improving the same, for the use and occupancy of said corporation; and of renting, sub-renting or leasing out such portion thereof as may be desirable; with the purpose in view of increasing the usefulness of said corporation, and promoting the original purposes of its organization; and

Third. (In order to accomplish and carry out the purposes above expressed), to issue bonds and secure their payment, principal and interest, by a mortgage or trust deed, with all the usual stipulations of forfeit-ure and penalties therein; and to issue stock, either common or preferred, or both, to such persons as may be contracted with by it, and of making, executing and delivering such papers, bonds, contracts or other obli-gations as may be necessary to carry into effect the purposes set out; therefore,

Section 1. Be it enacted by the General Assembly of Alabama, That the declaration of incorporation filed in

the office of the judge of probate of Montgomery county, Alabama, by M. B. Houghton and others, for the incorporation of the said Commercial and Industrial Association of Montgomery, Alabama, under the general incorporation laws of said State, for the purpose of promoting the social intercourse of its members, and the commercial and industrial interests of the city of Montgomery, and State of Alabama, is hereby ratified and confirmed, and the said Commercial and Industrial Association of Montgomery, Alabama, is hereby declared to be a body corporate, with all the rights, privileges and powers incident thereto, under the general laws of the State.

Former charter confirmed.

SEC. 2. Be it further enacted, That in addition to the powers already conferred upon the said Commercial and Industrial Association of Montgomery, Alabama, it shall have, and is hereby vested with the following, namely: To make and prescribe such by-laws for the conduct of its business and the control of its officers, agents, servants and property as the board of directors of said corporation; may see fit, not inconsistent with the laws of this State or of the United States, and to alter and amend the same at will; to increase its membership to any number that may be prescribed by the by-laws of said corporation; to buy, hold, lease and improve real estate, and to rent, lease, sub-rent or sub-lease the same, and to make any and all contracts with reference thereto as may be deemed advisable to fully carry oat and accomplish the purposes set out in the preamble to this act; to issue bonds in any amount not exceeding two hundred thousand dollars, and secure the payment of the same by trust deed or mortgage containing such stipulations, agreements or covenants as may be ratified by said. corporation; to appoint a trustee to act for it, in and about the placing, obtaining or securing money on such bonds, and for the payment of the principal and interest thereof, and to invest him with such powers in this respect as may be deemed advisable by such corporation.

General powers granted.

SEC. 3. Be it further enacted, That the said Commercial and Industrial Association of Montgomery, Alabama, shall have any and all rights and powers not herein specially delegated that may be necessary or incident to the accomplishment of the purposes expressed in the preamble to this act, and shall have the right to sell any and all property acquired by it, whenever the board of

directors, or such other governing board, as may be prescribed by the by-laws of said corporation, shall declare by resolution, that it will be to the interest of said corporation so to do; and any deed or conveyance executed in conformity with the provisions of the by-laws of said corporation relating to that subject, shall convey to and vest in the grantee in said conveyance an absolute estate in fee, subject only to such restrictions as may be made in the conveyance itself, or prior incumbrances upon the title—the purpose and intent of this clause being to provide a safe and convenient method by which said corporation may dispose of real estate; Provided, however, that nothing in this act shall be so construed as to confer upon said corporation the right to do a general business for pecuniary purposes only, but to do and perform and engage in such business as may be necessary or incident to the promotion of the original purposes of said organization, and the carrying out and accomplishing of the parposes expressed in the preamble of this act.

Powers defined.

Approved Feb. 21, 1893.

No. 484.] AN ACT [s. 433.

To provide for additional clerical force in the office of the State superintendent of education.

Section 1. Be it enacted by the General Assembly of Alabama, That the additional sum of two hundred and fifty dollars annually be appropriated to pay for additional clerk hire in the office of the State superintendent of education, and that the same will be drawn in the same manner that salaries are drawn by the other clerks.

Approved Feb. 21, 1893.

No. 485.] AN ACT [s. 388.

To incorporate the West Anniston Hose Company, No. 4, located in the city of Anniston, Calhoun county, Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That G. W. Jones, M. S. Applegate, O. M. Bagley, J D. Leak, A. B. Johnson and J. M. Watters and others, their associates and successors, be, and they are, hereby declared and constituted a body corporate by the name and style of the West Anniston Hose Company, No. 4, of the city of Anniston, Calhoun county, Alabama, and by that name and style may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity in the State of Alabama and may have, hold, occupy and possess goods and chattels, lands and tenements, not to exceed the value of ten thousand dollars, and may sell, transfer, barter or exchange the same at pleasure, and may have and use a common seal, and alter, break or amend the same at pleasure. Incorporation.

SEC. 2. Be it further enacted, That said company may enact such by-laws, rules and regulations for the proper organization, management and good government of the company as may seem fit and proper to the members, not inconsistent with the constitution and statute laws of the State of Alabama and of the United States and of the provisions of this act of incorporation. Rules and regulations.

SEC. 3. Be it further enacted, That the members of said company shall be exempt, and they are hereby exempted from military and jury duties, street and poll taxes in the city of Anniston, so long as they continue to perform their duties as active firemen while members of the company; Provided, however, that there shall be no honorary or pay members of said company who shall enjoy the privileges and immunities of active members under this act, except those such as have served seven (7) consecutive years as active members of said company, in good standing from the date of its incorporation, or shall have been disabled while in active performance of their duties as firemen. Exemption of members.

SEC. 4. Be it further enacted, That whenever the said company cease to be an effective company or organization by not keeping a proper hose reel, hose and other

apparatus belonging or appertaining to it, or by not keeping the same in serviceable working order, or shall neglect the performance of their duties as firemen, or violate the provisions of this charter, it shall be the duty of the mayor and city council of Anniston to issue notice to the members of said company to appear before the mayor and city council of said city at their next regular meeting and show cause why their charter should not be declared forfeited, and if all the members of said company shall fail to appear, or those appearing shall be found guilty of violating the provisions of this charter, then the said mayor and council shall have the power, if they deem proper, to forfeit said company's charter hereby granted.

Forfeiture of charter.

SEC. 5. Be it further enacted, That it shall be the duty of the secretary and treasurer to furnish to the sheriff of the county of Calhoun, whenever called upon, a true list of the names of the members of said company, who may, at the time of making such report, or furnishing such list, be entitled to the immunities and privileges of the company, which said list or report he must verify by oath before a justice of the peace or notary public or person authorized to take affidavits, and it shall be the duty of the sheriff to prevent said names from being placed in any jury box: in said county.

Roll of members.

SEC. 6. Be it further enacted, That at no time shall the membership of said company exceed forty (40) active members.

Number of members.

SEC. 7. Be it further enacted, That said company shall be entitled to all rights, privileges and immunities properly and legitimately belonging or appertaining to incorporated tire companies.

Rights, &c.

Approved February 21, 1893.

No. 486.] AN ACT [s.156.

For the relief of John H. Stinson, tax commissioner of Pickens county.

Section 1. Be it enacted by the General Assembly of Alabama, That the sum of eighty-seven and eighty -

five one-hundredths dollars ($87.85) is hereby appropriated out of any money in the State treasury not otherwise appropriated to reimburse John H. Stinson, tax commissioner of Pickens, for erroneous assessments discovered after the regular meeting of the commissioners court. The amount to be so paid to be paid out of the general taxes and poll taxes for said county in proportion to the amount of said funds so overpaid.

Approved February 21, 1893.

No. 487.] AN ACT [s. 506

To incorporate the Dauphin Island and Moss Point Railroad Company.

SEC. 1. Be it enacted by the General Assembly of Alabama, That R. B. Crawford, J. M. Pelham, Charles E. Graham, Frank P. Andrews, H. Austill, Wm B. Vail, Josiah Caldwell, Joseph Laurendine, and John B. Lyon, and such other persons as shall associate with them for that purpose, are constituted a body politic and corporate, by the name of the Dauphin Island and Moss Point Railroad Company, and by that name may sue and be sued, may have a common seal, and may break and alter the same at pleasure; and the said company is hereby vested with all the privileges, powers and immunities necessary to carry out the purposes and objects of this act. Corporation.

SEC. 2. Be it further enacted, That the persons named in section 1 of this act, be, and are hereby made the directors of said company for one year after the approval of this act, and until their successors are duly elected and qualified, such board of directors may establish an office for said company in the city of Mobile, and shall meet at such office at such time as a majority of the board may agree upon to organize said company by electing such officers as they may deem necessary, may adopt by-laws for the government of said company, and shall open books of subscription to the stock Directors.

of said company at such time and place as the directors may determine.

SEC. 3. Be it further enacted, That the capital stock
Capital stock. of said company shall be five hundred thousand dollars, and the par value of each share shall be one hundred dollars; subscriptions to said stock may be taken to be paid for in land, material, timber, labor, services or money, and said company may receive donations of land to assist in its construction.

SEC. 4. Be it further enacted, That said company is authorized to survey, locate, construct and operate a
Line of road. line of railroad from Dauphin Island, or from a point on Mobile Bay, in a westward direction along the coast of Mississippi Sound to the western boundary of Mobile county, with such stations, sidetracks, turnouts and depots as may be found necessary or convenient; and for the purposes of construction, said road is authorized to lay out its right of way one hundred feet wide; which right of way be acquired by gift or contract of purchase, and where land traversed is in the possession of any trustee, executor, administrator, or guardian, such person is authorized to contract with said company for such right of way, and when necessary, said company may condemn the use of land for its right of way by proceeding in manner and form as the general law on that subject prescribes. The right of way is
Right of way. given by the State over any land belonging to the State, and when said line is located, a map showing the location over any land owned by the State may be filed in the office of the secretary of State, or the auditor of the State, where such State owner ship is shown, and the location shall be entered on the record of such title, and thereafter such lands shall be held, or, if sold, shall be sold subject to the use of said railroad for such right of way.

SEC. 5. Be it further enacted, That said company
Bridges. may build bridges over streams in this State, but where navigable streams are crossed, such bridges must be so constructed, as not to interfere with the navigation of such streams; and shall have authority to build wharves, docks, piers, harbors at any point on Mobile Bay, or on

Mississippi Sound for the business or convenience of said company.

SEC. 6. Be it further enacted, That at all meetings of the stockholders of said company the holders of stock shall be entitled to one vote for each share of stock held individually or as trustse, and may be voted in person or by proxy. Voting.

SEC. 7. Be it further enacted, That the directors of said company shall have the power to establish such rates of toll for the use of its harbors, piers, docks, and for the conveyance of persons, and property upon said road, as they shall from time to time be reasonable and proper, subject to the laws of this State, and to levy and collect the same for the use of said company. Tolls.

SEC. 8. Be it further, enacted, That for the purpose of raising funds, from time to time for the construction of its works, and for the purchase of materials and equipments, said company is hereby authorized to print, issue, negotiate, hypothecate or sell its bonds, for such price and on such terms, and, at such rates of interest as may be deemed most expedient by the board of directors, for the payment of the principal and interest of said bonds may be secured by mortgaging the property, income, and franchises of said company as the board of directors may determine. Bonds.

SEC. 9. Be it further enacted, That said company is authorized to consolidate with any other railroad company upon such terms as the majority of the stockholders may determine and agree upon at a meeting or meetings called for that purpose after notice published in some newspaper, published in the city of Mobile for three weeks; and may make agreements with other roads for exchange of business or for allowing the use of its tracks by other roads. Consolidation with others.

SEC. 10. Be it further enacted, That the directors of said company are authorized to enter into a contract or contracts, with a construction company, or companies, for building a part or all of the works of said company in consideration of the securities of said company, or such part of the securities of said company as the Construction.

directors of said railroad company and such construction companies may agree upon.

Approved Feb. 21, 1893.

No. 488.] AN ACT [s.541.

To authorize the people of Cherokee county to hold an election on the question of issuing bonds to build a free public bridge across Coosa River in said county, and to authorize the court of county commissioners to issue bonds for the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sheriff of Cherokee county is here-
Election. by authorized and required to hold an election by the qualified voters of said county on the question of issuing county bonds for the purpose of building a free public bridge across Coosa river in said county, said election to be held on the first Monday in August, 1893, and to be advertised, conducted and returns made and counted in all respects as in other general elections.

SEC. 2. Be it further enacted, That at said election, those in favor of the issuance of said bonds shall vote
Issue by court. “for bonds," and those opposed "against bonds," and if on counting said votes, it shall be found that a majority of the qualified voters voting at said election have voted "for bonds," the court of county commissioners of said county are hereby authorized and empowered to issue bonds of said county of Cherokee to an amount not exceeding twenty thousand dollars, or as much thereof as they may deem necessary for the purpose hereinafter stated, and payable twenty years from the date of issuance, with coupons attached, bearing interest at a rate not exceeding eight per cent. per annum, and receivable in payment for all county taxes. The proceeds arising from the sale of said bonds, to be applied to the building of a free public bridge across the Coosa river in said county of Cherokee, at some point to be designated by said court of county commissioners ; Provided, however, that said bonds shall not be sold for less than par, 100 cents on the dollar.

SEC. 3. Be it further enacted, That the bonds and con-
pone issued under the provisions of this act, may be pay- Where paya-
able at such place as the court of county commissioners ble.
may direct, and shall be negotiable, and may be issued in
such sum or sums as said court of county commissioners
may deem best.

SEC. 4. Be it further enacted, That the bonds author-
ized to be issued under the provisions of this act shall Bonds to be
not be valid until the same have been signed by the coun signed.
ty treasurer, and countersigned by the judge of probate,
with the seal of his office affixed thereto, and the county
treasurer is required to keep a correct account of all
bonds issued and disposed of under the provisions of this
act.

SEC 5. Be it further enacted, That the bonds issued in Exempt from
accordance with this act shall be exempt from county tax.
and city taxes in said county of Cherokee.

SEC. 6. Be it further enacted, That the commissioners
court of said county are hereby authorized by a majority
vote, to do any and all things authorized under the pro- Power of
visions of this act, which may be necessary to court.
carry out the provisions granted by this act, either
through themselves or any agent pr agents duly appointed
by them for that, purpose, at any term of said court,
whether regular or special. And if done at a special
term of said court, its proceedings shall be valid to all
intents and purposes, as if done at a regular term, and
no technical informality, irregularity, neglect or omis-
sion in the proceedings or records of said court shall in
any wise vitiate or annul said bonds or coupons, which
shall have all the protection and properties of commer-
cial paper.

SEC. 7. Be it further enacted, That in order to meet
the interest upon said bonds as it falls due, which is an- Tax.
nually, and the principal at maturity, the said court of
county commissioners are hereby authorized and required
when necessary, to levy a special tax from time to time
upon all properties, licenses and business subject to a
State tax under the revenue laws of this State, situated
and located within the limits of said county.

SEC. 8. Be it further enacted, That the managers
and clerks of the election authorized by this act shal
serve without compensation,

Approved February 21, 1393.

No.489] AN ACT [s. 527.

To constitute the town of Oxanna a separate school district sod to provide for the maintenance of schools therein.

SECTION 1. Be it enacted by the General Assembly of
Limits. Alabama, That a separate school district be, and the same is hereby established in the town of Oxanna, the boundaries of which shall be the corporate limits of the town of Oxanna.

SEC. 2. Be it further enacted, That the mayor and
Trustrees. councilmen of the town of Oxanna are hereby authorized to elect three trustees and prescribe their duties, powers and terms of office; to authorize them to receive, hold, transmit and convey the title to real and personal property, and to do and perform such other duties as may be deemed advisable for the purpose of establishing and maintaining in said limits a school or school floor, a system of graded schools.

SEC 3. Be it further enacted, That the said mayor and councilmen of the town of Oxanna are hereby au-
Ordinances for support of schools. thorized and empowered to adopt and enforce such ordinance or ordinances as may be deemed advisable for the full establishment and maintenance of such school or schools, or a system of schools, also to erect, equip and maintain such buildings and premises as may be advisable for the same; Provided, that nothing in this act shall be construed to limit or abridge the powers already conferred by law upon the corporate authorities of said town of Oxanna.

SEC. 4. Be it further enacted, That said school dis-
Funds. trict shall be entitled to receive its proportionate share of all funds raised or appropriated by the State for public schools ; also its proportionate share of the sixteenth section fund accruing to the township of which said school district is a part, and it shall receive all poll tax which may be collected from all residents of said school district, and all funds which may be donated thereto.

SEC. 5. Be it further enacted, That until the said cor-
City treasurer keep funds. porate authorities of said town shall provide some other bonded officer for the purpose, the treasurer of said town shall receive and disburse all funds of said district, shall keep said funds and the accounts thereof separate from

the general funds of the said town, and for any default therein he and his sureties shall be liable as for the general funds of the town of Oxanna.

SEC. 6. Be it further enacted, That the State superintendent of education, or other proper officer of the State, shall give the necessary warrants and certificates to secure the payments to the treasurer of the town of Oxanna, or to such other officer as said corporate authorities shall designate, all funds to which said district may be entitled. Certificates or warrants.

SEC. 7. Be it further enacted, That the mayor and councilmen of the town of Oxanna are hereby authorized and empowered to levy and collect a tax upon the property within its limits, for the maintenance of said schools, to such amount as said corporate authorites may deem advisable within constitutional limits. Taxes.

SEC. 8. Be it further enacted, That all laws or parts of laws in conflict with this act be, and the same are hereby repealed.

Approved Feb. 21, 1893.

No. 490.] AN ACT [s. 576

To permanently locate the seat of Justice of the county of Lawrence.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the sheriff of the county of Lawrence on the first Monday in August, 1893, to open and hold an election of the several precincts in said county, to ascertain whether it be the will and sense of the majority of the qualified electors of said county, that the seat of justice of said county be removed from Moulton, its present location to Courtland in said county. Of such election and its purposes the said sheriff shall give notice by publication in some weekly newspaper published in said county for four consecutive weeks, and by posting a written notice at the court house and at one public place in each voting precinct; Provided, the destruction or mutilation or removing or defacing Election to be held.

of any of said written, notices by accident or unlawful design shall in no wise affect the validity of said election, provided for the holding of said election, making returns and ascertaining the result in the same manner and under the same restrictions as are now provided by law tor the election of members of the General Assembly, and under all the pains and penalties for failure to perform the duties as required by the general election laws of the State.

SEC. 2. Be it further enacted, That each elector shall have written or printed on his ballot the words "removal to Courtland," if he favors the removal of the said seat of justice to Courtland, but if he does not favor such removal, then he shall have written or printed on his ballot the words "no removal," and if it appears on the ascertainment of the result of said election that a majority of the qualified electors of said county have voted "no removal," the effect of the said vote shall be the location of the said seat of justice of said county at Moulton, but if a majority of the votes are cast in favor of "removal to Courtland," the effect of said vote shall be the location of the seat of justice at Courtland permanently.

Ballots.

SEC. 3. Be it further enacted, That if the result of said election be the removal of the seat of justice from its present location to Courtland, then within thirty (30) days from and after the result of said election is made known and declared, it shall be the duty of the court of county commissioners to provide at Courtland, ,a suitable building for the holding of the courts of said county, and suitable offices for the several county officers, until the court house can be erected, and made ready for use, and it shall be the duty of the judge of probate, the register in chancery, the clerk of the circuit court, the sheriff, county treasurer, tax assessor, tax collector, and county superintendent of education as soon as such offices are provided, to remove to them all the books, records and papers pertaining to their respective offices. And thereafter the seat of justice of said county shall be at Courtland aforesaid, and there all courts shall be held at the times appointed.

Result of election.

SEC. 4. Be it further enacted, That the managers and clerks of said election shall receive no compensation, but the returning officers shall receive the same compensation as they are allowed by law in other elections.

SEC. 5. Be it further enacted, That all laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved February 21, 1893.

No. 491.] AN ACT [s.381.

To incorporate the Eufaula Investment and Security Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That S. W. Dent, John W. Tullis, E. B. Young, George E. McCormick, and W..D. Jelks, and such other persons as may be hereafter associated with them and their successors, be, and they are hereby constituted a body corporate, under the name and style of the Eufaula Investment and security Company, and by that name may sue and be sued, in all the courts of law and equity, and shall have the right to make and use a common seal, and to alter and change the same at pleasure. Corporation.

SEC. 2. Be it further enacted, That the said corporation shall have authority to buy, sell, hold, dispose of, and deal in real estate, loans, stocks, notes, bills, mortgages, choses in action, and all other personal property on its own behalf, or as trustee for others. Buy or sell property.

SEC. 3. Be it further enacted, That said corporation may, and are hereby authorized to undertake the negotiation of loans on real estate, to lend money on its own account, or for others, and to take as security for the same, mortgages or deeds of trust, or such other instruments as evidences of indebtedness as it may deem proper; and it may receive and hold money, stocks, bonds, bills, notes, bills of exchange, and other personalty, on general and special deposit, on such terms, and Dealing in stocks, &c,

under such conditions as may be agreed upon between it and such persons or corporations as it may deal with, and it may borrow money, and mortgage and pledge as security for the same, any or all of its property.

SEC. 4. Be it further enacted, That the said corporation may and is hereby authorized, and fully empowered to issue debenture bonds, bearing not exceed-
Bonds. ing eight per centum per annum interest, the same to be secured by first mortgage on such of its property as it may elect to pledge as security for such bonds or evidences of indebtedness, said property so mortgaged as security to be held in trust by a trustee appointed for such purpose, and said debentures shall own for a term not exceeding ten years.

SEC. 5. Be it further enacted, That said corporation shall have powers to buy, own, hold, rent, lease, sell and convey, and deal in lands, and real estate, situated in the State of Alabama, or elsewhere, on its own behalf, or as agent, broker, or trustee for others.

SEC. 6. Be it further enacted, That said corporation shall have power and authority to act as agent or broker in the negotiation of loans, or for borrowing money on
May negotiate such security as it may elect; to recommend and nego-
loans. tiate loans secured by first mortgage on real estate, agricultural and mineral lands, town lots, and city property, and it may contract with parties, individuals or corporations, to undertake the negotiation of such loans and may charge for its services as broker, or agent for borrowers, such fees and compensation as may be agreed upon; and it may also secure the payment of such fees or compensation for its services for such work by mortgage on real estate, pledges of collateral security, or such other security as it may be able to obtain and willing to accept.

SEC. 7. Be it further enacted, That said corporation shall have power and authority to discount bills,
Discounts and notes, or other evidences of debt, to receive and pay out
deposits. deposits with or without interest, and to receive in special deposit, money or bullion, or foreign coin, stocks, bonds, or other securities, to buy and sell foreign and domestic exchange, gold or silver bullion, or foreign

coins, bonds, stocks or bills of exchange, or other negotiable papers; to lend money upon personal security or pledges, bonds, stocks, or negotiable security; to take and receive security by mortgage or otherwise, on property, real or personal.

SEC. 8. Be it further enacted, That the capital stock of said corporation shall consist of not less than $95,000,-00 nor more than $50,000.00, to be divided into shares of $100.00 each, which shares shall be deemed personal property, and transferred in such manner as the company by its by-laws may direct. The said company may be organized and commence business when so much as two hundred and fifty shares of stock has been subscribed, and one of the installments hereinafter provided for paid to the corporators, or to such persons as they may designate to receive the money. Capital stock.

SEC. 9. Be it further enacted, That the capital stock of said corporation shall be paid in by the subscribers as follows: That for each share of stock subscribed, the subscriber shall pay in monthly installments the sum of two and fifty one hundredth dollars, each month for the period of forty months, or until the amount paid in, with the earnings or dividends shall make the par value of the share of said stock one hundred dollars. Payment of capital.

SEC. 10. Be it further enacted, That there may be more than one series of stock subscribed or taken in said corporation, under such rules and regulations as the board of directors of said corporation may prescribe; Provided, that the whole number of shares taken shall not exceed 5,000. Series of stock.

SEC. 11. Be it further enacted, That any time within five years after the passage of this act of incorporation, the persons named in the first section of this act as incorporators, or a majority of them, shall open books of subscription of the capital stock of said company in such places as they may deem fit, and when as much as two hundred and fifty shares of stock is subscribed and taken, and one installment paid in as provided in section eight of this act, they shall call said subscribers together in the city of Eufaula, Alabama, by giving at least ten days notice in a newspaper published in Eufaula, Ala., of the time and place of said meeting. At such meeting so called, the stockholders shall elect a board of directors Organization.

from among their Dumber, said board to consist of not less than three nor more than nine members, for the management of the property and business of the company. The board of directors shall elect one of their number to be president of the company, and shall also elect a secretary and treasurer, who may be the same person, and who may or may not be a director in said company. The board of directors may also appoint such other officers and employees as they may find necessary, and fix such bonds and conditions to such officers so elected or appointed as they may deem requisite to protect the said company.

SEC. 12. Be it further enacted, That at every meeting of the stockholders each stockholder shall be entitled to one vote for every share of stock owned and held by him, and any stockholder may be represented by proxy duly made and executed, but not otherwise, which said proxy shall be filed with the secretary of the company. The directors of said company shall be elected at each annual meeting of the stockholders, and they shall serve for one year, or until their successors are duly elected and qualified. The said board of directors may adopt, make and establish all rules, regulations and by-laws, not inconsistent with the constitution and laws of Alabama or of the United States as may be necessary or convenient for the proper transaction and conduct of its business, and may also make and adopt such rules and regulations as to enforce the prompt payment of the monthly installments and may also make and impose such fines, penalties and forfeitures for the failure to make such payments as they may deem necessary and proper for the due enforcement of the payment of said installments.

Voting at meeting.

Rules and regulations.

SEC. 13. Be it further enacted, That the said corporation shall have its main office in the city of Eufaula, Alabama, and may establish a branch office or offices in any town or county in the State of Alabama, and it may es tablish correspondents in the city of New York, or any other large commercial center, and may appoint agents or correspondents in such cities or commercial centres as may appear necessary for the transaction of its business, or conductive to its best interest.

Offices.

SEC. 14. Be it further enacted, That said corporation may make and enter into all such contracts and arrangements, and may do and perform all such matters and

things as may be necessary and convenient, directly or remotely, to carry out the several purposes of their corporation as hereinbefore set forth and declared.

SEC. 15. Be it further enacted, That the affairs of said company shall be wound up and the corporation dissolved, whenever at a meeting called for that purpose, by publication for thirty days in a newspaper published in the city of Eufaula, Ala., three fourths in number and value of the stock holders shall decide that the interests of the corporation require it; but the said company shall retain the right to sue and be sued, until its affairs are adjusted and settled. Dissolution of corporation.

Approved February 21, 1893.

No. 492.] AN ACT [s. 499.

To protect jail houses in the county of Lamar.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any person who unlawfully enters into the enclosure of any jail yard, when locked, without the permission of the jailer or other officer in charge of such jail, shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five nor more than five hundred dollars, arid may be sentenced to hard labor of the county for not more than twelve months, at the discretion of the court. Penalty.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed. The provisions of this act shall apply alone to the county of Lamar.

Approved February 21, 1893.

No. 493] AN ACT [s. 590

To declare John W. Thweatt, a liner of the county of Calhoun, a citizen of the county of Talladega.

Section 1. Be it enacted by the General Assembly of Alabama, That John W. Thweatt, now a citizen of Cal-

houn county and a liner, be and he is hereby declared to be a citizen of Talladega county; Provided, that all taxes upon real property belonging to said John W. Thweatt, shall be assessed and collected by the assessors and collectors of the counties wherein said property lies respectively.

Approved February 21, 1893.

No. 494.] AN ACT [s. S48

To prevent hogs, sheep or goats from running at large in a certain portion of Macon county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for hogs, sheep or goats to run at large in that portion of Macon county,
Limits. to-wit: That portion of Franklin beat, No. 8, in said county lying west of the public road running from a point on the Tuskegee and Laplace public road known as the old Lockwood or E. W. Story place, to Cowles Ferry on the Tallapoosa river.

SEC. 2. Be it further enacted, That all violations of
Proceedings. this act and all proceedings had under it, on account of such violation shall be had under, and governed by an act to amend an act to prohibit stock from running at large in beats numbers four, five and six, and the southern parts of beats numbers one and three, and the western parts of beat number seven, in Macon county, Alabama, approved February, 1885, it being act No. 458, on page 926, acts of Alabama, 1886-'7.

SEC. 3. Be it further enacted, That this act shall go into effect and become operative on the first day of March, 1893.

SEC. 4. Be it further enacted, That all laws and parts of laws of a general or local character, inconsistent with the provisions of this act are hereby repealed.

Approved Feb. 21,1893.

No. 496.] AN ACT [s. 526.

To make four wires a lawful fence in a certain portion of Lawrence county, and to provide for the building and keeping up of a lawful fence along the line between townships 4 and 5.

SECTION 1. Be it enacted by the General Assembly of Alabama, That on and after January the first, 1894, a four wire fence with posts not exceeding ten feet apart, shall be considered in all respects a lawful fence in all that part of Lawrence county lying north of the township line between townships 4 and 5. Style of fence.

SEC. 2. Be it further enacted, That in order to carry out the provisions of this act the county commissioners, of Lawrence county shall be authorized to levy a special tax upon the land owners embraced in that portion of Lawrence county lying north of the township line between townships 4 and 5, for the purpose of building and keeping up a lawful fence along said line between townships 4 and 5. Tax.

SEC. 3. Be it further enacted, That on and after the first of January, 1894, it shall be unlawful for any hog, sheep or goat to run at large in any portion of Lawrence county lying north of the township line between townships 4 and 5; Provided, that any such hog, sheep or goat shall be allowed to run on owners lands. Stock at large.

SEC. 4. Be it further enacted, That when such hog, sheep or goat is found trespassing upon the premises of another, it shall be the duty of the person upon whom such tresspass is committed, to immediately take charge of such animal and confine the same in some suitable place, and as early as practicable notify the owner of such animal that he has such animal in his possession, and if any damage has been done by such animal the owner shall pay the same to the person upon whom such animal was trespassing, provided the parties can agree as to the damages; but if the parties concerned cannot agree, then each of the parties concerned shall select some disinterested person as referees, who shall select the third person, and these three shall determine and assess the damages if, in their judgment any exist and their decision shall be final. Taking up stock.

SEC. 5. Be it further enacted, That when a decision is

rendered by said referees, and damages is assessed, against any person, and such person refuses to pay such damages, then in that event, the person in whose favor such damages was assessed shall if he desire, take the usual course prescribed by law to recover damages.

Damages.

SEC. 6. Be it further enacted, That any suit brought under the provisions of this act shall be brought under the jurisdiction of justices of the peace, or notary public having jurisdiction of justices of the peace.

Suits.

SEC. 7. Be it further enacted, That any suit brought under the provisions of this act, shall be brought within ten days after such damage is alleged to have been done.

Time of suit.

SEC. 8. Be it further enacted, That all laws and parts of laws, local, general, or special, be, and the same are hereby repealed, which conflict with the provisions of this act.

Approved February 21, 1893.

No. 496.] AN ACT [s. 255.

To authorize the commissioners court of Washington county to issue bonds in payment for the erection of a court house and jail for said county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the commissioners court of Washington county, Alabama, are hereby authorized and empowered to issue and negotiate bonds of said county to an amount not exceeding fifteen thousand dollars, which shall be known as the court house and jail bonds of Washington county, or so much thereof as may be deemed necessary by said commissioners court for the erection of the court house and jail, in sums not to exceed one thousand dollars ($1,000) each, and payable to bearer at such time and place as said commissioners court may designate, not exceeding fifteen years, and redeemable as follows: $5,000 at the end of 5 years, $5,000 at the end of 10 years, $5,000 at the end of 15 years, with coupons attached bearing interest at the rate of not exceeding six per cent, and payable semi-annually; said bonds shall be signed by the probate judge and countersigned by the clerk of said

Amount and character of bonds.

county, and the probate judge of said county shall keep a correct record and account of all bonds issued and disposed of under this act.

SEC. 2. Be it further enacted, That the said board of commissioners are hereby authorized to negotiate and sell such bonds, but said bonds shall riot be sold for less than par, less cost and expense of negotiating and selling same. The proceeds of the sale of said bonds shall be paid over to the treasurer of Washington county, and shall be kept separate from other funds in his hands, and be used for the erection of the court house and jail of said county. All payments out of said funds shall be made upon order of the probate judge, countersigned by the clerk of the circuit court of said county, and any person who pays any sum out ot the proceeds of the sale of such bonds for other purpose than the erection and completion of said court house and jail shall be liable under their official bond for misappropriation. Sale of bonds.

SEC. 3. Be it further enacted, That before entering upon the duties under this act, the treasurer of said county shall execute bond in such amount as shall be fixed by the court of county commissioners of said county, with sufficient sureties, to be approved by the probate judge of Washington county, and said bond payable to the county of Washington, and conditioned to perform the duties imposed upon him by this act, and unless said treasurer shall give said bond, then the court of county commissioners shall appoint a person to act as Custodian of the funds arising from sale of said bonds, who shall be controlled and guided as is herein provided for the treasurer to be controlled and guided. Bond of treasurer.

SEC. 4. Be it further enacted, That said court of county commissioners are hereby authorized to do any and all things authorized by this act, and which may be necessary to carry this act into effect, either through themselves or by agent, and no technical informality, irregularity, neglect or omission in the proceedings or records of said bonds, or in the issuance or sale thereof, shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection of commercial paper. Power of court

Approved February 21, 1893.

No. 497] AN ACT [s. 253.

To provide for the permanent location of the county site of Washington county, by the vote of the people of said county.

Section 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the probate judge of Washington county, Alabama to order an election to be held in said county, on the fourth Monday in March, 1893, for the purpose of permanently locating the county site of said county, and said election shall be held in the same manner and under the same restrictions and penalties as are now provided by law for the election of members of the general assembly.

Election.

SEC. 2. Be it further enacted, That each voter shall have written or printed on his ticket "Removal," or "No removal," and it shall be the duty of the supervisors to count said vote, and if it appears that a majority have voted "Removal," then said county seat shall be removed to within five miles of the center of said county, but upon conditions hereinafter set forth. If it appears that a majority have voted "No removal," then the county site shall remain where it now is located.

Ballots.

SEC. 3. Be it further enacted, That if a majority have voted "Removal," then in that event F. M. Pringle, A. F. Hooks, J. M. Pelham, J. S. Granade, D. M. D. Carpenter, J. A. Brown and T. E. Spotswood be, and are, hereby appointed commissioners, whose duty it shall be to select the location for said county site, but said location shall be at a point within five miles of the geographical center of said county, and are hereby empowered and authorized to receive donations of lots, lumber and other things necessary to the erection of a court house and jail, as well as other lots as a bonus, all deeds to be taken in the name of Washington county, Alabama; and are also empowered to purchase lots for said purpose.

Commissioners to locate county seat.

SEC. 4. Be it further enacted, That the provisions of this act shall not go into effect until the Seaboard Manufacturing Company, a corporation, shall have executed bond, payable to the county of Washington, in the sum of ten thousand dollars, with good and sufficient sureties, to be approved by the probate judge of Washington county,

Conditions of act.

conditioned that if the court house is removed to a point on their proposed railroad, within five (5) miles of the center of the county of Washington, then in that event said Seaboard Manufacturing Company will donate and give by fee simple deeds thirty-three lots of land within court house square, being every third lot of a certain one hundred lots, except corner lots, and will also deed by fee simple deed to the county of Washington all necessary lands for the public buildings of said county, to be selected by the board above named, and will give all necessary lumber for the erection of said buildings free of cost.

SEC. 5. Be it further enacted, That in the event of the removal of the county site under the foregoing provisions, then it shall be the duty of the court of county commissioners to sell all lands and other property belonging to the county, located at its present county site, and to use the proceeds in the erection of the new public buildings, and they are hereby authorized and empowered to execute deeds thereto; provided, however, that nothing in this act shall prevent the commissioners from using any of said property in the erection of the new buildings. Sale of present property.

SEC. 6. Be it further enacted, That the officers of said election shall receive the same compensation as in general elections.

Approved February 2l, 1893.

No.498.] AN ACT [s.401.

Te regulate the business of pawnbroking.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any person engaged in the business of pawnbroking, upon receiving as security for the loan of money or other thing of value, any personal property or chose in action, shall enter in a book a full description thereof, and give to the barrower a receipt setting forth the same description of the pledge, stating the amount of the debt and when it is due. Omitting to make such entry and to give such receipt, the pawnbroker shall forfeit the debt and all right to the security. Receipts.

SEC. 2. Be it further enacted, That all sales by pawnbrokers of pledges roust be made at public auction after
Sales. five days notice thereof, given by advertisement in a newspaper published in the city or town where the pledge was made, of the time and place of sale, in which advertisement the thing sold shall be described as in the receipt given. No pledge shall be sold until after the expiration of sixty days from the date when the pledge was delivered. All sales made contrary to this provision shall be void.

SEC. 3. Be it further enacted, That any person vio-
Penalty. lating the provisions of this act shall be guilty of a misdemeanor, and for each offense, upon conviction, shall be fined not less than ten dollars and not more than one hundred dollars.

Approved February 21, 1893.

No. 499.] AN ACT [s. 333.

To constitute the city of Dadeville a separate school district, and to provide for its government and support.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the corporate limits of the common
Limits. counil of Dadeville, as now established, and as may be changed from time to time hereafter, shall constitute a school district separate and apart from the remaining districts in Tallapoosa county.

SEC. 2. Be it further enacted, That it shall be the duty of the mayor and common councilmen of said in-
Trustees. corporation, within thirty days after each municipal election every two years, to select and appoint five competent persons, to be styled school trustees, who shall be qualified electors and residents within said corporate limits, and who shall not be members of the common council, and they shall hold their offices respectively for the term of two years. It shall be the duty of said trustees, as soon as practicable after their appointment, to elect one of their number superintendent of public schools for said district, who shall preside at all meetings, held by

said trustees, when present, and perform such other duties as may be lawfully imposed by the common council of Dadeville pertaining to the conduct and management of said schools. That said trustees shall prescribe and pass upon the qualifications of all persons who are applicants to teach in the public schools of said district, and before each annual election of teachers, to present to the common council the names of all persons who are applicants for positions as teachers in said schools, together with their recommendations touching the same, and that out of the names thus presented the said common council shall elect teachers, but shall have the right in their discretion to reject any or all of said nominations; and in the event that the requisite number of teachers are not selected from the first nominations thus made, the said trustees must make other nominations as soon as practicable, and before the beginning of the next scholastic year, and from the number of applicants presented the council must elect the requisite number of teachers; Provided, that if in any case the said trustees shall fail to act for the space of thirty days after notice from the common council, the latter may proceed to contract with teachers in such manner as it may deem advisable, but the said council must fill any vacancy that may occur in said board of trustees within ten days after notice thereof, which may be given to the mayor by any one of said trustees.

Election of teachers.

SEC. 3. Be it further enacted, That said school trustees shall have power to prescribe and regulate the management of said schools by the teachers not inconsistent with their contracts with the common council, to suspend or expel therefrom any pupil for good cause, and to issue diplomas or certificates of proficiency to masters of any or all of the branches taught in said schools; and with the consent of the common council, the said trustees may also suspend or discharge from employment any teacher in said schools for any immoral conduct, or other sufficient cause, and. in the event that the place of any teacher becomes vacant from this or other cause, the same shall be supplied as provided in the second section of this act.

Regulation of schools.

SEC. 4. Be it further enacted, That said school

trustees by and with the consent of the common council shall before the beginning of each scholastic year,

Rates of tuition. fix the rates of tuition for matriculation in said schools to be paid by the patrons thereof and prescribe the terms of payment of the same, together with the conditions in respect thereto upon which pupils may enter said schools; that under their direction the said superintendent shall personally overlook and supervise and manage the said schools, to the extent of collecting and paying over to the treasurer of the common council all tuition and matriculation fees that may be required to be paid under this section, but the said superintendent shall, before performing any of these duties, enter into

Superintendent. bond in the sum of five hundred dollars payable to the common council of Dadeville for the faithful performance of his duties as herein designated, and shall receive for his services such compensation as the common council may prescribe; and in addition to his duties above named he shall also attend to the taking of the school census whenever such census enumeration is required to be taken under the laws of this State, and shall make full report thereof to the State superintendent of education, and to the common council.

SEC. 5. Be it further enacted, That the said school district shall receive its proportionate share of all pub-

Funds. lic school revenues including its pro rata share of the sixteenth section fund of each township which lies wholly or in part within the said district, and shall also receive all the taxes collected as poll taxes within the said district for the use and maintenance of the schools therein, and the same shall be paid into the hands of the treasurer of the common council of Dadeville, and appropriated by said incorporation as aforesaid; and that one third of the revenues of said city government derived from license or other taxes for and during the year 1893, and one half of all such revenues for every succeeding year thereafter, must be set apart by the said treasurer to be applied exclusively for school purposes within said district, which shall be apportioned and appropriated by. the common council and mayor to such of the schools therein as they may deem advisa-

ble; Provided, that nothing herein contained shall preclude the said city government from making such additional appropriations for this purpose as the state of its revenues may seem to justify, but before the provisions of this or preceding section shall go into effect, the said treasurer shall first enter into bond in a sum of not less than three thousand dollars payable to the common council of Dadeville which shall be so conditioned as to cover any defaults in the management of the school funds herein provided for, as well as for the faithful performance of his general duties as treasurer of said incorporation.

Bond of treasurer.

SEC. 6. Be it further enacted, That the said the common council of Dadeville shall have power to lease or to build school houses, and to buy or lease lands for the purpose of building school houses, taking the deeds and leases to themselves and their successors in office, and also to purchase and hold all necessary furniture and apparatus for such building, to receive and hold promissory notes, mortgages and other contracts for the payment of tuition and matriculation fees, and for all other liabilities that may be incurred in the management of said schools, and to enforce the same in the courts of this State, and the powers herein conferred shall include the right to employ and contract with teachers for services in said schools, subject to the restrictions provided in section two of this act.

School buildings.

SEC. 7. Be it further enacted, That said town council is hereby required on the first day of February and August of each year to make a correct report of all moneys received and disbursed by them, from whom received and on what account paid out, and to publish said report in some newspaper published in the town of Dadeville.

Reports.

SEC. 8. Be it further enacted, That the provisions of this act shall not go into effect until the 1st day of June A. D. 1893.

Approved Feb. 21, 1893.

No. 500.] AN ACT [s.342.

To authorize J. C. Kendrick, W. R. Thagard and Julia Burnett, as administratrix of the estate of J. R. Burnett, and R. A. Payne, sureties on the bond of W. H. Morris, late county superintendent of education of Butler county, to pay to the treasurer of Butler county, the default of said W. H. Morris as county supe intendent.

Section 1. Be it enacted by the General Assembly of Alabama, That the treasurer of Butler county is hereby authorized to receive from J. C. Kendrick, W. R. Thagard and Julia Burnett, as administratrix of the estate of J. R. Burnett and R. A. Payne, sureties on the bond of W. H. Morris, late county superintendent of Butler
Amount. county, the sum of $246.00, being; amount due school fund of Butler county by W. H. Morris, late county superintendent of Butler county, and to give receipt therefor, which receipt shall be a full discharge of all liabilities on said bond to any person, or state or county.

SEC. 2. Be it further enacted, That it shall be the duty of said treasurer, upon receiving same, to pay over to those teachers who, by the report of the State Examiner of Public Accounts have earned the same.

Approved Feb. 21, 1893.

No. 501] AN ACT [s. 488.

To prevent the use by others of booms, bulkheads, pile or piles erected or maintained by riparian proprietors, without the consent of the owners thereof.

Section 1. Be it enacted by the General Assembly of Alabama, That no person shall fasten any boat or other thing to, or make any other use of any boom, bulkhead, pile or piles, lawfully erected or maintained in any of the waters of the State of Alabama by any riparian owner or proprietor without first having obtained the consent of such owner or proprietor.

SEC. 2. Be it further enacted, That any person having within twelve months next preceding been warned by

such proprietor or owner not to do so, who violates any of the provisions of section one of this act, and any person not having been so warned, who violates such section and having been then so warned, not to continue to make use of such structure, thereafter continues to use the same, shall be guilty of a misdemeanor and for each day that he so continues to use said structure shall be fined a sum of not less than ten nor more than one hundred dollars for each offence. Penalties.

SEC. 3. Be it further enacted, That one half of every fine imposed for a violation of this act shall, when collected, be paid to the owner or proprietor of the struc ture used.

Approved February 21, 1893.

No. 502.] AN ACT [s. 591.

To incorporate the Alabama Coal, Iron & Railway Company, and to define the rights, powers and franchises thereof.

Section 1. Be it enacted by the General Assembly of Alabama, That Jno. A. Montgomery, Chas. G. Brown, Robert J. Lowe and their associates, be and they are hereby constituted a body politic and corporate by the name and style of the Alabama Coal, Irun and Railway Company, and by that name, or such other name as its stockholders at their organization may adopt, are hereby authorized to sue and be sued, to make a common seal, and the same to break, alter and renew at pleasure; to have and to hold real and personal property for the present and future business and purposes of such company, as well as such other property as said company may otherwise aquire by gift, devise, donation or purchase, for investment or development; to make rules, regulations and by-laws for the management and direction of such corporation, not contrary to the constitution and laws of this State, or of the United States, and generally to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the full carrying out of the objects and purposes of this act. Corporation.

SEC. 2. Be it further enacted, That said corporation is

hereby authorized and empowered to engage in the bus-
Mining and iness of mining or quarrying coal, and iron and limestone,
quarrying. and other minerals, for its own consumption, or for the general market; that it may own and operate iron and steel furnaces, saw mills, rolling mills, and steel works, and to engage in the manufacture of the products of steel and iron and coal.

SEC. 3. Be it further enacted, That said corporation shall have the right to build, equip and operate street
Street railways railways or dummy lines in Jefferson county, and to acquire by purchase or otherwise, the right of way, equipment, franchises and property or capital stock of any other street railway or dummy line in said county ; and to consolidate, or make joint stock, or otherwise unite with any other street railway or dummy line in said county.

SEC. 4. Be it further enacted, That said corporation shall have the power to survey, locate, construct and operate
Railroads may lines of railroad, with one or more tracks of rails, in and
be built. along the streets, avenues and public grounds of the city of Birmingham, and the territory adjacent thereto, and may extend the same through Jefferson county and the counties adjacent thereto, and extend the same into and through any other county of the State, with such turnouts and branches as may be necessary, and over said lines to take and carry, for hire, persons and proper, and shall exercise all the powers, and be subject to all the duties and obligations of common carriers in this State; that said corporation may build, construct, equip and operate its railroad over the streets, avenues or public grounds of any incorporated town or city in Alabama, Provided, that said corporation shall, before constructing its road over any street or avenue in any incorporated town or city, first obtain the consent of the corporate authorities thereof.

SEC. 5. Be it further enacted, That for the purpose of constructing said railroad and branches, not in any incor-
Rights of way. porated city or town, the said company is hereby, authorized to lay out the same, not exceeding one hundred feet wide, and may acquire the right of way for such railroads and branches by purchase from the owner, or by proceedings of ad quod damnum, as provided by law in this State, in such cases; just compensation to the owner shall be first paid in all cases where the right of way is acquired by proceedings of ad quad damnum, as required

by the constitution; but said company may previously enter upon any land for the purpose of surveying, locating and laying out its railroad and branches, and said company may acquire by gift, grant or purchase, real estate, and erect such structure thereon as may be necessary or convenient for its business, and may sell or lease any such real estate not acquired for its business.

SEC. 6. Be it further enacted, That said company may, in lieu of constructing any portion of its line or branches, purchase, or acquire by lease, for a term of not exceeding one hundred years, the right of way, roadbed or track of any other railroad, or any portion of such other railroad, or said company may make common stock, or any other lawful contract, whereby it may sell or lease, as aforesaid, to such other company any or all of its said railroad or branches, and the franchises thereof. May lease roads.

SEC. 7. Be it further enacted, That whenever necessary to secure a Suitable and convenient location, the said railroad may cross or build along the right of way of any other railroad, a consecutive distance of not exceeding in any case ten miles, and said railroad OP branches may be built across or on and along any of the highways or public roads of the county, or across or along the streets of any incorporated town or city, through which it may be necessary to pass; Provided, that the said highways, roads and streets shall, after the construction of said railroad thereon or thereover, be restored to as good a condition as before ; And provided, further, that the consent of the incorporated towns and cities shall be first had and obtained to the use of the streets or alleys for such right of way, before the same shall be used and occupied. Crossing other roads.

SEC. 8. Be it further enacted, That said corporation shall have power to subscribe for the capital stock or purchase shares in, or lend its money or credit to any industrial, mining or manufacturing corporation located on or engaged in the development of the real property of this corporation. Lending money.

SEC. 9. Be it further enacted, That said corporation may, at any time, cause its land to be divided into lots or parcels, and may sell the same in such manner and on such terms as it may deem advantageous; said company shall have the power to sell or lease any or all of its franchises and real or personal property, upon such terms as it may see fit. Lots of land.

SEC. 10. Be it further enacted, That said corporation
Vessels. may build or purchase or lease steamships, steamboats or other water vessels or water craft, and may run or operate the same on the navigable waters of this State or the United States, and to and from ports on the Gulf of Mexico and adjacent high seas, for the carriage of persons or freight.

SEC. 11. Be it further enacted, That said company
Telegraph may build or construct and operate telegraph and tele-
lines. phone lines along and upon any and all portions of its proposed line of railroad, for its own service, and for doing a public telegraph business, but said company shall not be required to do a public telegraph business, on its said lines, or at any particular station thereon, without it so desires.

SEC. 12. Be it further enacted, That the corporate
Board of di- powers of said company shall be vested in a board of
rectors. directors, of not less than five nor more than eleven, to be elected as hereinafter provided, and such other officers and agents as said directors may appoint or authorize.

SEC. 13. Be it further enacted, That subscriptions to the capital stock of this company shall be taken, payable in money or its equivalent in labor or property.

SEC. 14. Be it further enacted, That when one hun-
dred thousand dollars shall have been subscribed to the
Organization. capital stock of said company by bona fide subscribers, the board of corporators shall call the subscribers together by notice, given in such manner as they may direct, for the purpose of organization, and the majority of the stock so subscribed being present, either in person or by proxy, they shall proceed to the organization of the company by the election from among the stockholders themselves, by a majority of the stock represented, not less than five nor more than eleven directors to manage the affairs and business of the company for the ensuing year, or until their successors are elected and duly qualified ; said successors to be elected in a similar manner. The directors thus elected shall elect from their number a president, who shall also be president and executive officer of said company, and such person or persons as they may see fit for secretary and treasurer, to serve for such a period, arid under such condition as the by-laws may direct.

SEC. 15. Be it further enacted, That upon the or-

ganization of the company the board of incorporators shall turn over to the board of directors all money or other property received .by them on subscription, together with all bonds, lists, notes, obligations, papers and records taken and made by them in the organization of the company, and henceforth all such books, papers, lists, notes, obligations, records, money and property shall be the property of the company, and all obligations incurred shall be as binding on the company as if taken and made by themselves. Said board of directors shall also have the power to require to be paid the sums subscribed by stockholders in such manner and at such times as it may deem proper, and on the refusal or neglect on the part of any stockholder to pay such installment, the shares of such delinquent may be sold at public auction under such rules and upon such notice as the directors may previously prescribe, the surplus, if any, from the proceeds of sale, after the payments of balance due, for such shares, shall be paid to such stockholders, but nothing herein contained shall prevent said company from collecting, by proper proceedings at law, the amount due on any subscription.

Property turned over to directors.

SEC. 16. Be it further enacted, That said company may borrow money for the purpose of carrying out the objects of this charter, and may make notes, bonds or other evidences of debt, and by a vote of the majority of its stockholders had at a meeting called for the purpose, in such manner as the board of directors may see proper, may secure the payment of notes, bonds or other evidences of debt by a mortgage or deed of trust on its franchises, and any or all of its property, both real and personal.

Bonds.

SEC. 17. Be it further enacted, That the capital stock of said company shall be one million dollars, divided into shares of one hundred dollars each; but said corporation shall have the right and power to increase its capital stock, whenever, in the judgment of the stockholders, it may be necessary or desirable.

Capital.

SEC. 18. Be it further enacted, That the incorporators herein named, or a majority of them, are authorized to open books of subscription to the capital stock of this corporation in the city of Birmingham, Ala., after giving three weeks notice by publication of the time and place.

Books of subscription.

Approved Feb. 21, 1893.

No. 508.] AN ACT [s. 482.

To amend section one of an act to establish in Township 16, Range 6, east in Perry county, a district in which stock shall not be allowed to run at large, approved December 12th, 1888.

Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act no stock of any description shall be allowed to ran at large in townships sixteen and seventeen, in range six, east, in Perry county.

Approved Feb. 21, 1893.

No. 504.] AN ACT [s.334.

To enlarge area of the Warrior Agricultural District.

Section 1. Be it enacted by the General Assembly of Alabama, That the lands herein described be attached to and included in the Warrior Agricultural District in Tuscaloosa county, to-wit: All the lands within a line leaving the Greensboro road at the foot of the "Reid Hill, along the road running by N. L. Whitfield's place, and on by the school house to county line of Hale, and thence west along the said county line to Carthage, and subject to all the laws pertaining to said Warrior Agricultural District.

Approved February 21, 1893.

No. 505.] AN ACT [s. 447.

To provide for an increase of the salary of the treasurer of Calhoun county,

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be lawful for the commissioners' court of Calhoun county to make such increase in the fees of the treasurer of said county as they may think best; Provided, how-

ever, that the total amount paid shall not exceed twelve hundred and fifty dollars per annum.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 21, 1893.

No. 506.] AN ACT [s. 85.

To amend Section 2720 of the Code.

Be it enacted by the General Assembly of Alabama, That Section 2720 of the code of Alabama be so amended as to read as follows: If the suit is by a mortgagee or by his assignee against the mortgagor or one holding under him, the defendant may, upon suggestion, require that the jury ascertain the amount of the mortgage debt, and such ascertainment must be entered on the record of the judgment, and the court must order that if the debt so ascertained, interests and costs be paid within thirty days, no execution or other process shall issue on the judgment; and on payment thereof to the plaintiff or to the clerk for his use, the clerk must on the face of the record of the judgment, endorse the fact of such payment, and after such payment the plaintiff shall be deemed the unsuccessful party, within the meaning of the succeeding section, and before or after the last day of the mortgage, the defendant may plead to the consideration of the instrument relied upon. To show title the plaintiff may plead payment accord and satisfaction, or otherwise, as he could to a note or other obligation made for the payment of money.

Approved February 21, 1893.

No. 507.] AN ACT [s. 585.

To confirm the incorporation of the town of Flint in the county of Morgan, and to enlarge and define the corporate powers of said town.

Section 1. Be it enacted by the General Assembly of Alabama, That the incorporation of the town of Flint, in the county of Morgan, heretofore had in the court of probate of said county by proceedings under the general law, be, and the same is hereby ratified and confirmed, and the corporate existence of said town remains and continues, subject to the provisions of this act, and with all the powers herein and hereby conferred, in place of the powers conferred by the general law.

SEC. 2. Be it further enacted, That the provisions of this charter and all ordinances passed in pursuance thereof, haying for their object the punishment of offenses against "morality and decency," or against public peace and order, or against the public health, and all provisions punishing burglary, larceny, embezzlement, obtaining goods or other things of value under false pretenses, knowingly bringing stolen property within the town, practicing a fraud, and other ordinances of purely penal nature, shall have force and effect, and be operative in all that portion of Morgan county, not now within the corporate limits of the town of Flint and lying within one mile thereof.

Where laws in force.

SEC. 3. Be it further enacted, 1. That there shall be elected by the qualified electors of said town of Flint, the following officers, namely: A mayor and six aldermen in the manner hereinafter provided. 2. The next election of mayor and aldermen for said town shall be held on the first Tuesday in May, 1893. The term of the office of mayor elected under this act, shall commence at the expiration of the term of the present intendant of the town of Flint, and shall continue for two years, and until his successor is duly elected and qualified, and biennially thereafter on the first Tuesday in May a mayor shall be elected, whose term of office shall commence at the expiration of the term of his predecessor, and shall continue for a term of two years, until his successor is duly elected and qualified. The term of office of three of said aldermen so elected, shall commence at the expiration of the term of the present councillors,

Elections and terms of office.

and shall continue for two years and until their successors are duly elected and qualified, and the term of office of the other three aldermen shall commence at the expiration of the term of the present councillors, and shall continue for one year, and until their successors are duly elected and qualified, and the first six aldermen elected, shall; after having been so elected, cast lots to decide which three shall serve for one year and which three shall serve two years, and annually thereafter on the first Tuesday in May three aldermen shall be elected, whose term of office shall commence upon the expiration of the term of their predecessors, and shall continue for two years, and until their successors are duly elected and qualified. The officers thus elected shall take the oath and enter upon the duties of office on the first Monday succeeding their election. 3. No person shall be eligible to the office of mayor or alderman unless he shall be a qualified elector, nor shall he be directly or indirectly interested in any contract whatever to which the town is a party unless such contract is let publicly to the lowest bidder and awarded to him as such. 4. Said election shall be conducted according to the law governing elections for officers under the law of the State, except as declared in this act, and each elector shall have caused himself to be registered in the office of the clerk of the board in the manner hereinafter provided. The polls at such election shall be kept open from 9 a. m. until 4 p. m. 5. At such election it shall be the duty of the clerk of the board of said town to provide for the opening of said poll, and to give ten days notice by publication in a newspaper of said town; if any published therein, and if no paper is published in said town, such notice shall be given by posting notices in three conspicuous places in said town of the time of holding said election and names of inspectors of said election. The said board of Flint shall appoint the said inspectors, who shall perform the duties of returning officers; and the inspectors of the first election shall be appointed by the intendant and councillors of the town of Flint. The number of inspectors, so appointed, shall be three, one of whom shall be a member of a

different political party, and said inspectors shall be duly qualified electors of said town capable of reading and writing. 6. The clerk of the board shall act as reg-
Registration. istrar of voters. Said registrar shall commence registration on the second Monday in April next preceding each election, and shall continue the same for six consecutive days, from 9 a. m. to 4 p. m. of each day, and said registrar shall give at least ten days notice by posting notices in three conspicuous places in said town of the time when and place at which he will attend and make registration of voters as hereinafter required. Before registration is made of any applicant therefor, said registrar must be satisfied by personal knowledge or sufficient evidence that such applicant has resided at least thirty days in said town and that he will be legally entitled to vote at the then next ensuing election for said mayor and aldermen of said town, and said registrar being so satisfied must thereupon place the name of such applicant upon the registration list, together with the place of residence, describing the same by street or such other description as may be easily intelligible. The names of parties registered shall be placed upon said list alphabetically, and be numbered in the order of registration. Said registrar shall carefully preserve the original registration list, and shall certify the same over his signature, and within three days after the closing of the registration to the mayor of said town, and the mayor shall transmit a certified copy thereof to the inspectors thus appointed to hold said election. 7. The inspectors of election shall not receive at said election the vote or ballot of any person, whose name does not appear upon the registration list, as furnished by the mayor, and who does not on demand make satisfactory proof of his identity. Upon the receipt of any vote by the inspectors" they shall forthwith check off with ink the name of the person voting. The said inspectors shall immediately after the polls are closed proceed to count the ballots and compare them with the poll lists and certify the result of the election to the mayor and
Conducting aldermen of said town. They shall enclose the ballots
elections. cast with the registration list together with their certifi-

cates of the result in the box in which is placed the ballots received at said election, and after carefully sealing the same deliver said box with its contents to the mayor of said town, who shall give to said inspectors his receipt for said box stating in said receipt the condition of said box when received by him. The said mayor and aldermen of said town, or a majority of them, shall immediately after the delivery of the ballot box and poll list as hereinbefore required to said mayor, proceed to open the said box and within three days by count of the vote and a comparison thereof with the poll list and returns of the inspectors verify and if necessary correct the said returns and declare the election to their respective offices of the persons who shall have received the largest number of legal votes for the respective offices to be filled at said election, and shall give certificates of election to their respective offices to the persons so found to be elected. The said certificate of election so issued by the mayor and aldermen, or a majority of them, shall entitle the person so certified to the possesion of the respective offices, immediately upon the expiration of the term of office of their predecessors as fixed by this charter, subject, however, to contestation of their rights. During such contestation, and until the decision by the tribunal having jurisdiction of such contests, the official acts of such certified officers about the business of their respective offices, shall be good and valid in law. The election of persons declared elected to any office herein provided for, which may be filled by vote of the qualified electors of said town of Flint, may be contested by any qualified elector for any one or more of the causes mentioned in section 896 of the Revised Code of 1886, such contest to be tried by the judge of probate of Morgan county, in accordance with the provisions of article III, chapter 4, Revised Code of 1886, or any amendment thereof; Provided, however, that said elector so contesting shall, within ten days after such person is declared duly elected, present a statement of the grounds of contest, verified by affidavit as required by section of the Revised Code of 1886, to the judge of probate of Morgan county.

Contests.

SEC. 4. Be it further enacted, 1. That every officer of the town and his assistants, shall, before entering upon the duties of such office take and subscribe before some person qualified to administer oaths the following oath, or affirmation : " I, ——, do solemnly swear (or affirm) that I will support the constitution of the United States, and of the State of Alabama, and the charter and ordinances of the town of Flint, and that I will faithfully discharge the duties of the office of ——, according to the best of my ability." Which oath or affirmation, so subscribed, shall be filed in the office of the clerk of the board, and all such officers except the mayor and aldermen shall before entering upon the duties of their respective offices, execute a bond with security to be approved by the board payable to the town of Flint in such penal sum as may by resolution or ordinance be directed, conditioned for the faithful performance of the duties of the, office and the payment of all moneys received by such officer according to law and the ordinances of said town; Provided, however, that the treasurer's bond shall not be fixed at a less sum than the amount of the estimated tax and special assessments for the current year, which bond shall be recorded in the office of the judge of probate of Morgan county on payment of the fee therefor, and it shall be the duty of the mayor to have such bond so recorded. If any person elected or appointed to an office shall fail for five days after such election or appointment to take and subscribe such oath or affirmation or give and file a bond as required by this section his office shall be deemed vacant and on such failure being certified to the board, by its clerk, the board shall proceed at once to fill such vacancy. For any breach of the conditions of said bond, suit may be instituted thereon by the town, or by any person first securing the town against cost, in the name of the town of Flint for the use of such person. 2. All officers appointed under this act shall be commissioned by warrant under the corporate seal and signed by the clerk and mayor of such town. 3. All officers appointed under this act shall have the qualifications of electors of said town. 4. It shall be the duty of the clerk to keep a corporate seal; to attend all meetings of the board; to enter in the minute book a full and faithful record of its proceedings. He shall issue and cause to be served upon the aldermen notices of all special meetings of the board to

Official oath.

Vacating office

Duties of clerk

give notice to all persons whose attendance may be required before the board or any committee thereof when so directed; shall keep in a book to be kept for that purpose a record of all ordinances passed by the board and at the foot of the record of each ordinance required snail-make a memorandum of the date of passage and page of the minute book on which it appears and of the publication or posting of such ordinance which record or memorandum or a certified copy thereof, shall be prima facie evidence of the passage and legal publication or printing of such ordinance for all purposes whatever. He shall draw his warrant upon the town treasurer in such form as shall be from time to time prescribed by the board for all moneys appropriated or ordered to be paid by said board. He shall prepare all commissions, licenses, permits, and other official documents required by him to be issued under the laws and ordinances of said town. He shall be the clerk of the police magistrate and shall have power to administer oaths and affirmations upon all lawful beensions and perform such other duties as the board shall by ordinance prescribe. 5. The treasurer shall be the custodian of all moneys belonging to the town and shall deposit the same in such safe or bank as the board may direct, shall keep a faithful and true account of the same, and pay them out in such manner and under such regulations as the board may direct, and shall make an annual report and oftener if required to the board relating to the finances of the town and. shall perform such other duties as the board shall by ordinance prescribe. 6. The powers and duties of all elective and appointive offices in said town shall be prescribed by ordinance and not inconsistent with the provisions of this charter. 7. The mayor, clerk, treasurer, marshal, health-officer, fire-marshal, and all other officers shall make a report at the end of each fiscal year to the board and at such other time as they may direct.

Treasurer

Reports.

SEC.5. Be it further enacted, That the mayor shall be the chief executive officer of the town, and shall perform all such duties as are or may be prescribed by law or by the town ordinances, and shall take care that the laws and ordinances are faithfully executed. 2. The mayor shall from time to time lay before the board a full statement of the condition of the affairs of

the town, and shall recommend for their consideration such measures as he may deem expedient. 3. The mayor shall have the power at all times to examine and inspect the books, records, and papers, of any agent, employee, or officer of the town. 4. He shall have the power and jurisdiction of a justice of the peace in all matters, civil, or criminal, arising within the corporate jurisdiction, and allowed to charge the same fees and cost as any other justice of the peace. 5. He shall be the police magistrate of said town and may impose the penalties prescribed by ordinances, or by this act for the violation of the ordinances and by-laws of said town. 6. He shall have power to remove the clerk of the board and treasurer or any officer elected by the board, whenever he shall be of the opinion that the interest of the town demands such removal, but he shall report the reason for such removal to the board at a meeting to be held not less than five days or more than ten days after such removal, and if the mayor shall fail, or refuse, to file with said clerk a statement of the reason for such removal, or if the board by two-thirds vote of all its members elected by yeas and nays to be entered upon the record disapprove such removal, such officer shall thereupon become restored to the office from which he was removed. 7. He shall make proclamations whenever he shall deem it necessary for the public health, or whenever instructed by the board, in order to prevent contagious, or infectious diseases from being introduced into the town, prohibiting all persons and goods from infected localities from entering said town, and under ordinances to be adopted for that purpose, shall have power to offer rewards for the detection and punishment of all violations of such proclamations. 8. He shall make proclamations whenever it shall be deemed necessary for the public peace and order of the town, prohibiting riotous and disorderly assemblies, or closing public places of amusement. 9. He shall have power when necessary to call on all male inhabitants of the town, over the age of eighteen years to aid in enforcing the laws and ordinances. 10. He may release any, person imprisoned for violating any town ordinance,

Powers and duties mayor.

and remit the fine therefor, but he shall report such release with the cause thereof to the board at its first session thereafter. 11. If the mayor, or any alderman, or other town officer, at any time during the term of his office shall remove from the limits of the town, his office shall thereby become vacant.

SEC. 6. Be it further enacted, That the board shall consist of the mayor and six aldermen. 2. The board shall be the judge of the elections, returns and qualifications of its own members, and a majority of such board shall constitute a quorum to do business, but a smaller number may adjourn, from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. 3. The mayor shall be ex officio president of the board, but shall have no right to vote, except in election of officers, and when in consideration or passage of resolutions, or ordinances, the board be equally divided, and in the absence of and inability of the mayor to serve, the board may elect a mayor pro tem. from their number, who during such absence, or disability, shall possess the powers of the mayor, but shall not lose his right to voting as an alderman. 4. The board shall keep a record of its proceedings and sit with open doors. 5. The yeas and nays shall be taken upon the passage of all ordinances, or propositions to create any liability against the town, or for the expenditure, or appropriation of its moneys, and in all other cases at the request of any member. 6. The board shall determine its own rules of proceeding, punish its members for mal-conduct, or disorderly behavior, and with concurrence of two-thirds of the board may expel a member; provided, that any alderman, who shall have been convicted of bribery, perjury, or other infamous crime, shall thereby be deemed to have vacated his office. 7. The board shall prescribe by ordinance, the times and places of the meetings thereof, and the manner in which special meetings thereof may be called. 8. All ordinances, or resolutions passed by the board shall take effect and be in full force from and after the passage by posting a copy thereof, in acon-

Powers and duties of council.

spicious place in the mayor's office. 9. In case of death, resignation, removal, or inability of the mayor, clerk, treasurer, or any alderman, or any officer, the board shall fill such vacancy. 10. The board shall elect a clerk of the board, treasurer, a marshal, health officer and such other officers as the board may establish by ordinance.

SEC. 7. Be it further enacted, That the board shall have the following powers: 1. To control the finance; and property of the corporation. 2. To appropriate money for corporate purposes only, and provide for the payment of the debts and expenses of the corporation. 3. To levy and collect taxes for general and special purposes, on real and personal property. 4. To license all business and trades, not prohibted by the constitution and laws of the State of Alabama, to fix the amount, terms and manner of issuing or revoking such licenses, and to provide a penalty for the doing of business without a license. 5. To license and regulate auctioneers, public scales, lumber yards, livery stables; money changers, brokers, second hand and junk stores, 6. To license and regulate and restrain hawkers, peddlers, pawnbrokers, itinerant vendors, keepers of ordinaries, grinders of hand organ, banjo-pickers, theatricals and other exhibitions, shows and amusements, and revoke such license at pleasure. 7. To license and regulate hackmen, draymen, and expressmen, and prescribe their compensation. 8. To license, regulate, and restrain and prohibit billiards, bagatelles, pigeon hole or any other tables or implements used for a similar purpose, in any place of public resort, pin alleys or ball alleys; 9. To prohibit and suppress houses of prostitution and disorderly houses; and also to suppress gaming and gambling houses, lotteries, and all fraudulent devices and practices for the purpose of gaming, or obtaining money or property, and to prohibit the sale, or exhibition of obscene, or immoral publications, prints, pictures, or illustrations, and to prohibit or suppress all public masquerades, exhibitions and amusements, which violate public morals and decency. 10. To assess and levy and collect annually a tax for general and special

General powers of board.

purposes on real and personal property, not exceeding one-half of one per cent. on the value thereof, as assessed for State taxation during the preceding year. 11. To establish, open, alter, vacate, widen, extend, grade, cut down, fill in, and pave, or otherwise improve all streets, avenues, sidewalks, alleys, public grounds, and squares, and provide for the payment of the costs and expense thereof, in a manner not inconsistent with the provisions of this act. 12. To plant trees upon the same. 13. To regulate the use of the same. 14. To prevent and remove obstructions and encroachments upon the same. 15. To provide for the cleaning of the same. 16. To regulate the opening therein for the laying of water mains, and pipes and the building and repairing of sewers, culverts and drains, and erecting lamp posts, telegraph and telephone poles and wires, subject, however, to the reservations in the dedication of any streets, alleys, or avenues, or public grounds. 17. To regulate the use of sidewalks, and all structures thereunder, and require the owner or Occupant of any premises to keep the sidewalk in front of or along the same free from obstruction. 18. To compel the owner, or tenant of any premises to keep the sidewalk in front of, or along such premises, clean and in repair; and to prescribe the kind of pavement to be laid, and to compel the laying of such pavement along such sidewalk. 19. To regulate and to prevent the throwing or depositing of ashes, dirt, garbage, or any offensive matter in, and to prevent injury to any street, avenue, alley, or public ground. 20. To provide for and regulate cross walks, curbs, and gutters. 21. To prevent and regulate the use of streets, sidewalks, and public grounds for signs, sign posts, awnings, awning-posts, horse troughs, racks, posting hand bills and advertisements. 22. To regulate traffic and sales upon the streets, sidewalks, and public places. 23. To regulate the speed of horses and other animals, and vehicles, within the limits of the corporation. 24. To regulate the numbering of houses, and to name and change the name of any street, avenue, alley, or other public place. 25. To compel and require railroad companies

to make and keep open, and keep in repair ditches drains, sewers, and culverts, along and under their railroad tracks, so that filthy, or stagnant pools of water cannot stand on their grounds, or right of way, that might be injurious to the public health; and to regulate and restrain the blocking up of streets or avenues impeding of travel thereon by any railroad company. 26. To construct and keep in repair bridges and viaducts, and to regulate the use thereof. 27. To construct and keep in repair culverts, drains, sewers, and cess pools, and regulate the use thereof. 28. To deepen, widen, cover, wall, alter, or change the channel of branches. 29. To prevent infectious and contagious diseases from being introduced into said town; to ordain all regulations, necessary for effective quarantine, and to enforce the same within two miles of the corporate limits of said town. 30. To maintain cleanliness and health of the town and provide for the inspection and cleanliness of all places likely to be, or become detrimental to health, and to adopt such ordinances, and regulations, as shall be deemed necessary or expedient to protect health, and prevent the spread of disease, and to maintain a good sanitary condition in the streets, public places, and private premises of said town. 31. To suppress all nuisances at the expense of the person causing the same, or upon whose premises it is found, on private or public property, and may enter private property for the purpose. 32. To prescribe the manner in which the drainage from private premises may be disposed of, to provide the manner in which water closets and sinks shall be constructed, to discontinue and forbid the use of sinks, pits, dry wells, and the like, to regulate and compel connection of private and public premises with the sewer system of said town, and to regulate said connection as they may deem best for the health of said town. 33. To control, regulate and prohibit slaughter houses within the police jurisdiction of the town, and to provide for the weighing and herding outside of said town of all live stock intended for slaughter, and to prohibit the same from being driven through the streets of said town. 34. To prevent the

sale of adulterated or decayed food. 35. To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese, and dogs and to impose a tax on dogs, not to exceed two collars per capita. 36. To prohibit any offensive or unwholesome business or establishment within the police jurisdiction. 37. To compel the owner of any grocery, tannery, cellar, stable, pigsty, sewer, privy, or other unwholesome, or nauseous house or place, to cleanse remove, or abate the same, and to regulate the location thereof. 38. To establish and regulate cemeteries within or without the corporation, and acquire lands therefor by purchase, or otherwise and cause cemeteries to be removed, and prohibit their establishment within the corporation. 39. To erect, establish and maintain hospitals, poor houses, infirmaries, and control and regulate the same. 40. To erect and establish market and market houses, and provide for the use and regulation thereof. 41. To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard and vegetables. 42. To provide for the inspection and sealing of weights and measures, and to force the keeping and use of proper weights and measures by vendors. 43. To provide for erection and care of public buildings for the use of the town, 44. To exercise the right of eminent domain for public purposes in the manner prescribed by the constitution and laws of the State of Alabama. 45. To regulate the place of amusement and public entertainments. 46. To determine the limits within which wooden buildings shall not be erected, and to prevent the reconstruction in wood of old buildings within such limits, and to condemn buildings and parts thereof which are dangerous and insecure. 47. To establish and regulate the sinking of wells for public purposes and control the use thereof. 48. To establish and erect jails, houses of correction, and work houses for the reformation, and confinement of vagrants, idle and disorderly persons, and persons convicted of violating any town ordinance; to make rules and regulations for the government of the same. 49. To establish and maintain a fire department, and regulate the same. 50. To erect engine houses and pro-

vide fire engines, hose carts, hooks and ladders and other implements for prevention and extinguishment of fires. 51. To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus, used in and about any building, or manufactures, and to cause the same to be removed, or placed in a safe condition, when considered dangerous; to regulate and prevent the carrying on of manufactories dangerous in causing and producing fires; to prevent the depositing of ashes in unsafe places, and to cause all such buildings and enclosures, as may be in a dangerous state to be put in a sate condition, and to prescribe and compel the construction, of fire escapes. 52. To regulate and prevent the storage of gun powder, coal oil, turpentine, cotton, nitroglycerine, petroleum, and other combustible, or explosive materials, and the building of bon fires,, and also, to restrain and regulate the use of fireworks, firecrackers, torpedoes, roman candles, sky rockets and other pyrotechnic displays. 53. To pass ordinances for securing the safety of persons from fire in halls and buildings, let, or used for public assemblies, and for entertainments and amusement. 54. To regulate the marshal, or police of the town, and to restrain and prohibit disorderly conduct and breaches of the peace. 55. To prescribe the duties and powers of the marshal or other police officer. 50. To prevent and suppress riots, routs, affrays, noises, disturbances and disorderly assemblies, in any public or private place. 57. To prohibit and prevent persons from getting on and off of cars or locomotives while in motion, except employes in the discharge of duty, 58. To prohibit and prevent the shooting or firing of gun or pistol within said corporation. 59. To prohibit and prevent cruelty to animals. 60. To restrain and punish vagrants, mendicants, idlers and prostitutes. 61. To prevent and regulate the rolling of hoops, playing of ball, flying of kites or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses. 62. To prohibit and restrain gaming and the keeping of gaming houses, to authorize the marshal or other police officer, with or without war-

rant, when he has good cause to believe and does believe. that any house, or part of a house in said town is being kept for the purpose of carrying on gambling therein, to break into and enter such house or part thereof, upon the refusal of the owner or occupant thereof to open the same, and to seize all gambling instruments therein and to arrest all persons found therein. 63. To impound and forfeit domestic animals found in the streets contrary to town ordinances. 64. To pass ordinances for the punishment of all persons, who in any manner obstruct the marshal or other police officer or patrolman, in the lawful performance of any of his duties in the police jurisdiction of said town, or in the arrest of any person within the police jurisdiction of said town, and for the punishment of all persons, who, when called upon by any of the town officers to aid in the arrest of any person in the police jurisdiction of said town, shall refuse to render assistance as required, and in all cases whereany person so called on and aids such officer or patrolman, as required, such person shall not be liable to indictment or punishment in the courts of the State therefor, nor to punishment by the police magistrate of said town, nor shall he be liable to any damage in any civil action therefor; Provided, he does no more than is reasonably necessary to effect said arrest. 65. To authorize the marshal or other police officer, as it may designate, to administer oaths and issue warrants for the arrest of offenders against the law of the State or by-laws and ordinances of the town of Flint, returnable before the police magis trate of said town. 66. To pass by-laws and ordinances for assessing property adjacent to any street, avenue or alley, for the purpose of opening, widening, grading. macadamizing, paving and curbing the streets and avenues of said town, the paving of sidewalks and the construction and laying of sewers and drains. 67. To pro vide by ordinance that all paper, printing, stationery, fuel and all other supplies needed for the use of the town, and all work for local improvements, shall be furnished and done by contract, to be let to the lowest responsible bidder. 68. To pass all ordinances, rules, and make all regulations proper or necessary to carry into effect the powers granted herein, with such fines and penalties as the board shall deem proper; Provided, no fine or penalty shall exceed fifty dollars, and no sentence to impris-

onment exceed three months. 69. To provide for revision of the general ordinances of the town at least once every five years. 70. To fix all salaries and fees of the officers of the said town, not otherwise provided. 71. To summon witnesses and compel their attendance, and administer oath by the president or chairman, compel witnesses to testify and produce books and papers in all matters revelant to the government of the town, and the power and jurisdiction hereby conferred, and may punish them by imprisonment not exceeding ten days for failure to attend or refusal to testify or produce books or papers, but an appeal from any such order shall lie to the circuit court of Morgan county. 72. To arrest fugitives from justice.

SEC. 8. Be it further enacted, That said board shall have the authority and power to require all male inhabi-

Street work and taxes.

tants of said town who have resided therein ten days, and who are between the ages of eighteen and forty-five years, to work upon the streets of said town for at least five days in each year, under the direction of such officer as the board may appoint; Provided, that any person so required to work, may relieve himself from so working by paying into the town treasury a sum not more than five dollars; Provided further, that the inhabitants of said town shall be exempt from working on roads outside of the limits of said town ; Provided, further, that no male inhabitant of said town between the ages of eighteen and forty-five years shall be exempt from the operations of this section, except such as the board may hereafter exempt by ordinance.

SEC.9. Be it further enacted, That the board shall have authority to license, regulate and restrain the sell-

Liquor license.

ing or giving away of any spirituous, vinous and malt liquors, the license not to extend beyond the fiscal year in which it shall be granted, to fix the license for and to limit the number of licenses to be granted; Provided, that permits may be granted to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeitures under such regulations as may be provided by ordinance. 2. To close houses and places for the sale of intoxicating liquors, when the public safety and peace may require. 3. To forbid and punish the selling or giving away of any spirituous, vinous or malt liquors to any minor, habitual drunkard or intoxicated person.

SEC. 10. Be it further enacted, That said board shall have power to revoke all licenses under such restrictions and regulations as may be provided by ordinance.

SEC. 11. Be it further enacted, 1. The style of ordinances of said town shall be : "Be it ordained by the board of the town of Flint." 2. All ordinances and the date of publication thereof may be proven by certificate of the clerk of the board, under the seal of the corporation, and when printed in book or pamphlet form, and purporting to be published by authority of the board, the same need not be otherwise published, and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinance as of the dates mentioned in such book or pamphlet in all courts and places without further proof. 3. All actions brought to recover any fine or enforce any penalty, under any ordinance in said town, shall be brought in the name of "the town of Flint," as plaintiff. 4. All fines and forfeitures for violation of ordinances, when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation at such times and in such manner as may be prescribed by ordinance. 5. In all actions for the violation of any ordinance, (except in the presence of the marshal or other police officer, or mayor or alderman, which may be without warrant,) the first process shall be a warrant for the arrest of the offender, upon oath being made before the proper officer that an offense in violation of an ordinance of the town has been committed, and accusing such person thereof, and any person arrested upon such warrant, shall, without unnecessary delay, be taken before the police magistrate to be tried for the offense. Any parson upon whom any fine or penalty shall be imposed, may upon the order of the magistrate, be committed to the county jail, town prison, work' house or other place provided by the town for the incarceration of offenders, until such fine, penalty and costs are fully paid. The board of aldermen shall have power to provide, by ordinance, that every person so committed, shall be required to work for the corporation at such labor as his or her strength will permit, within and without such prison, work house, house of correction or other place provided for the incarceration of such offenders, not exceeding ten hours each day, allowing not exceeding one dollar for each day's service, exclusive of

Ordinances.

board; that no female must be punished by subjecting her to work on the streets. 6. Any constable or sheriff of the county of Morgan may serve any process or make any arrest authorized to be made by any town officer.

Taxes.

SEC. 12. Be it further enacted, 1. That the mayor and aldermen may levy and collect each year upon all real and personal property and all subjects of State taxation within said town, a tax not exceeding one-half of one per centum of the value of such property, or subjects of taxation, as assessed for State taxation, during the year preceding that for which said mayor and aldermen may assess and levy the tax above provided for; and there shall be no exemptions from taxation. 2, The taxable property of each tax-payer, and the subject of taxation, on which he is taxable, and the amount or value of each item thereof, as valued by the assessor of Morgan county for the preceding year, mentioned in paragraph one, shall be ascertained and fixed by the aforesaid tax assessor's book of each year, made by him under the requirements of the laws of Alabama, and any supplemental assessment, that may have been made by him for each year, all corrected, as provided in section five hundred and twelve (512) code of Alabama. 3. Said mayor and aldermen shall cause a copy of such tax assessor's books, corrected as aforesaid, for such preceding year, to be made and entered in a bound book, properly prepared for that purpose; but

Assessments.

when the property, or subjects, have changed owners since said assessments were made out by said tax assessor, said copy shall be so corrected, as to show its true owner, at commencement of the year for which the tax provided for in this act is to be paid, and so as to show against whom the tax on each is laid. If the property has since such assessment been destroyed, or greatly damaged, by fire or other cause this also shall be noted with the estimated amount of damage. As soon as the book provided for in the preceding paragraph is made and corrected, it shall be filed with the clerk of said board, where it shall remain for twenty days open to public inspection; and notice of that fact shall be immediately given by said clerk by the publication of a notice to that effect for ten consecutive days in some newspaper published in said town of Flint, or by posting the same in three conspicuous places in said town. Any person charged in said book as the owner of said property or subject of taxation,

which he was not the owner of on the first day of January of the year for which the tax therein provided for is to be laid shall, within said twenty days file with said clerk his affidavit to that fact, and if he knows who the owner is shall state the fact, or that he does not Know. Any tax payer may also file objections as to the correctness of said book as a copy of the aforesaid books of tax assessor of Morgan county designating wherein such copy does him injury. Upon notice by the clerk that such objections have been filed said mayor and aldermen shall meet, hear and determine all such objections and correct said book accordingly, and their decision on such objections, and as to all corrections made, shall be final. Said board may also of their own motion, correct any error of ownership, as aforesaid, but in no event shall it change such valuation, except in case of deterioration provided for in the preceding paragraph. Said mayor and aldermen shall continue its session from day to day, until all objections so filed are disposed of, and no longer. 5. A majority of the board of mayor and aldermen shall be a quorum for the transaction of all business, and as soon as possible, after the lapse of said twenty days, said board shall lay and levy for the current year, the tax authorized by this act on all the property and subjects of taxation so listed and valued in the book mentioned in paragraph three of this act, corrected as aforesaid. 6. The taxes levied under this act shall have the force and effect of a judgment at law against the person assessed herewith, and for said taxes, the said town of Flint shall have a preferred lien over all incumbrances and securities whatever, except county and State taxes, and all taxes assessed against the property of any person, or persons under this act, or for which such person may become liable for the current year, shall be a lien upon the real and personal estate of such persons within the said town of Flint from the first day of January of that year, or if brought into the town after that time, the lien shall attach from the time it was brought in. 7. After the taxes shall be fixed and levied, the mayor of said town shall certify the same at the end of said tax book, and append thereto his warrant, directed to the person authorized to collect taxes for said town of Flint, authorizing and commanding such officer to collect the taxes so levied, and shall deliver said tax books and warrant to said person so empowered to collect

taxes for the town of Flint, and said collector of taxes shall thereupon forthwith notify the public by advertisement for thirty days in some newspaper published in Flint, or by posting notices in three conspicuous places in said town, that he is ready to receive payment of the taxes so levied. 8. After thirty days have elapsed from the first publication of such notice, the Collection of taxes. collector of taxes or his deputy shall make personal demand upon delinquent tax payers wherever they may be found, for the amount of their taxes and costs; whenever unable to find them, shall leave written or printed notice at the place of residence of such tax payers, requiring them to come forward and pay such taxes and costs immediately, and for giving such notice the tax collector shall collect fifty cents, and it shall be the duty of such delinquents forthwith to make payment of their taxes and fees to the collector of taxes at his office, but no demand or notice shall be necessary to tax payers who are non-residents of said town. 9. The collector of said taxes shall be charged with and accountable for the whole amount of the taxes assessed for the year, and can only be discharged from such accountability by showing that they are now unpaid, could not have been collected by the exercise of the means given him. 10. All taxes laid under this act, which are not paid at the end of ninety days from the first publication of the notice required in this act, shall be in arrears and delinquent from that date. 11. After the expiration of ninety days from the first publication of the tax collector's notice aforesaid, the tax collector may levy upon and seize any personal property, if any there be, and if there be none or not sufficient personal property, then upon the real estate of said delinquent tax payer; provided, that a failure to levy on and sell any personal property for taxes shall not vitiate the sale of real estate of any such delinquent tax payer, and the costs of such sale, and no personal property so sold for taxes shall be subject to redemption. But when real estate is levied on, notice of the, sale shall be given ten days before the day of sale in some newspaper published in Flint, or by posting notices thereof in conspicuous places. The land may be described by such numbers and abbreviations, as will

clearly indicate the property to be sold. Sale shall be at the mayor's office, or some other public place in said town, to commence on the day indicated in the notice, and sale may be continued from day to day until completed. 12. At all sales by the tax collector of property for taxes, he shall attend and bid off for the town of Flint, as purchaser all the lots and lands, on which the tax collector cannot get a bid from other persons for the taxes and expense of sale, and the town of Flint shall have a certificate of purchase, and be vested with all the titles to the property so bought in, subject to redemption, hereinafter provided. Whenever any real property shall be sold by the tax collector for the non-payment of taxes he shall give the purchaser at such sale a certificate to the following effect: "I, ————————, tax collector of the town of Flint, do hereby certify that the town taxes for the year 18 ——, (or the particular tax or assessment, as the case may be), amounting in all to ————————dollars, being due and unpaid by (A. B.), the owner, or agent therefor, I have this day sold for the payment of taxes due by said (A. B.), and for collection for costs of levy and sale to (C. D.), who has paid the amount of taxes due as above, the following piece, parcel, or lot of land, lying in the town of Flint, and bounded and described, as follows: (Insert description.) By virtue of the powers given me by law, I hereby authorize said (C. D.) to have and hold the above described lands, and tenements, until the same shall be redeemed according to law. In witness whereof, I hereunto set my hand and affix the seal of this corporation, this —— day of ————————, 18——. (E. F.), Tax Collector." Any real property sold under the provisions of this act may be redeemed by the owner or any person interested therein within two years after said sale by paying to the town of Flint the amount of purchase money, all subsequent taxes, and costs that may have been paid by the purchaser and interest at the rate of fifteen per cent. per annum, and thereupon shall receive a certificate of redemption therefor. It shall be the duty of the town tax collector to keep in his office any book provided for that purpose and conveniently index a record of all certificates of purchase issued by such tax collector, and when real estate shall be redeemed as herein provided, it shall be such tax collector's duty to note such redemption on such record, and when the pur-

Tax sales.

Redemption.

chaser or his assignee shall demand the money on such redemption he shall pay the same to him upon the surrender of the certificate of purchase, and upon his failure to do so, said tax collector and his bondsmen shall be responsible to the person entitled to such redemption money. Said tax collector shall give to the person redeeming any real property a certificate of redemption signed by him, setting forth the facts of the sale, substantially as contained in the certificates of sales, the date of redemption, the amount paid, and by whom redeemed, and such certificates shall be prima facie evidence of the facts therein stated. Said tax collector shall make such report of redemption as said corporate authorities may require. After the expiration of two years from date of sale, the tax collector then in office shall upon application of holders of certificates of purchase, make out a deed to each lot, or parcel, of real property sold and unredeemed, and deliver the same to the purchaser, or his assignee, upon return of certificate of purchase, payment of all subsequent taxes on the property and one dollar for the deed; but any number of parcels of real property for which one person may hold purchase certificates, may be included in one deed, as may be desired by purchaser, such deed shall be signed by tax collector in his official capacity, and acknowledged by him before some officer authorized to take acknowledgements and when thus executed and recorded shall vest in grantee all rights, titles and estate of former owner, free from all encumbrances made or suffered by them (except State and county taxes). Such deed shall be prima facie evidence in all courts of this State, in all controversies and suits in relation to the rights of the grantee therein to the land conveyed of the facts recited in such deeds of regularity, of all proceedings in assessment and sale of said property required by this act, and of the title of the grantee, his heirs and assigns. 13. Should said corporate authorities require other means of collecting the taxes herein authorized, they may by ordinance, adopt, or substitute, for any of the foregoing provisions contained in Part I, Title 7, Code of Alabama, or any part of such provisions, for the collection of such taxes, by the town of Flint, so far as the same will apply, and shall have same right to sell property and make title to property sold for taxes, as

Power to collect taxes.

corporate authorities in, adopting such provisions shall by adopting ordinances declare which of said provisions they adopt, and in such ordinance, they may change the provisions so far as to substitute its tax collector for that of the State and county, and so as to adopt the provisions relative to State and county taxes to the collection of the taxes herein authorized, and the mayor and aldermen shall have power, to collect all taxes and all fines by execution, levy and sale, and from such execution no property shall be exempt; Provided, that this mode of collecting shall not prevent collection of such in any other manner herein provided.

SEC. 12. Be it further exacted, That the board shall have power and authority to elect a solicitor to prosecute all offenders against the laws and by-laws and ordinances of said town, and said solicitor's fee shall be taxed up against the defendant as other costs, and in the same manner as circuit and county: solicitors' fees are taxed; Provided, that no solicitor's fee shall exceed seven dollars in any one case.

Approved Feb. 21, 1893.

No. 508.] AN ACT [s. 356.

To authorize deeds, contracts, conveyances or other instruments to be recorded again in Franklin county.

Section 1. Be it enacted by the General Assembly of Alabama, That all deeds, contracts, conveyances or other instruments, the record of which is authorized or required by law, that have been recorded in the probate judge's office in Franklin county, in this State, the records of which were destroyed by fire, the original of such deed, contract, conveyance or other instrnment may be recorded again, and such record shall have relation to and be operative from the day the original record was operative; Provided, the same is recorded within two years from the passage of this act.

Time of record

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 21, 1893.

No. 509.] AN ACT [s.448.

To incorporate the city of Columbia, in the county of Henry.

Section 1. Be it enacted by the General Assembly of Alabama, That the city of Columbia, in the county of Henry, be, and the same is, hereby incorporated under and by the name of the city of Columbia; and its corporate limits and boundaries are hereby designated and established as follows: The corporate limits of
Boundaries. said city shall embrace one mile square, the Columbia Male and Female College building, where it now is, to be the center of the same, and the boundary lines dividing said corporate limits to run east, west, north and south, and forming a parallelogram, with the said college building in the center.

SEC.2. Be it further enacted, That the officers of said
Officers. city shall be composed of one mayor, five aldermen, one marshal and one clerk, who shall also be tax collector and treasurer of said city, all of whom shall have been residents of said city for twelve months next before their election to the respective offices named.

SEC.3. Be it further enacted, That the mayor and councilmen now in office in said city shall, between the twentieth day of March and the twentieth day of April,
Wards. 1893, proceed to lay off and divide the territory within the corporate limits of said city into five wards, containing as near as may be an' equal number of inhabitants; Provided, that the mayor and aldermen provided for in this act may change said wards at any time in the future when they may deem such changes necessary to equalize the inhabitants of such wards, or for other purposes in the interest of said city, the mayor and aldermen to be the judges of such necessity; provided, that no change in such wards shall be made

unless notice of such proposed changes shall be first given by posting notices in writing at the court house door, and at three other conspicuous places in said city, one of which shall be in each of the wards affected by such change; and provided further, that no change shall be made within six months next preceding any municipal election for officers. The wards of said city shall be numbered from one to five inclusive.

SEC. 4. Be it further enacted, That the officers of said city, named in section two of this act, shall be elected by the qualified electors of said city on the first Monday in May, 1893, and every two years thereafter, one alderman to be elected from each ward of said city hereinafter provided for, and each alderman to be a resident citizen of the ward for which he is election. Elections.

SEC. 5. Be it further enacted, That for the purpose of carrying out the purpose and intent of this act, it shall be the duty of the present mayor and councilmen of said city, or those who are acting as such officers, to give notice of the election provided for in section four of this act, by publication in a newspaper published in said city, and by, posting written notices in three public places in said city, ten days before the election, naming the day and place of such election. It shall also be their duty to appoint three managers or inspectors of such election, who shall have the power to select two clerks to assist them in holding and managing such election; after the first election provided for in this act, it shall be the duty of the mayor and aldermen to comply in all respects with the provisions of this section in the election of officers of said city, in giving notice and appointing inspectors therefor, at such subsequent election. Notice of elections.

SEC. 6. Be it further enacted, That the inspectors and clerks of such election, before proceeding to open the polls thereof, shall take the oath prescribed for inspectors and clerks of elections for State and county officers. Such inspectors shall open the polls therefor at nine o'clock in the morning and close them at five o'clock in the evening, and they shall, in opening such election, manage and conduct the same, and in closing the same, and in certifying and in making returns Manner of holding elections.

thereof to the mayor, as is hereinafter provided, be governed by the laws of force at the time regulating State and county elections. The oath to be taken by the inspectors and clerks of elections may be administered by the mayor or any justice of the peace, or by the inspectors to each other, and to the clerks by the inspectors.

SEC. 7. Be it further enacted, That immediately upon the closing of any election in said city for officers thereof, it shall be the duty of the inspectors and clerks, in the usual manner to certify and make return thereof, under seal, that is closed up and sealed, to the mayor of said city within twenty-four hours after the closing of the polls at such election.

SEC. 8. Be it further enacted, That it shall be the duty of the mayor and councilmen, at the first election held under this act, and of the mayor and aldermen at each subsequent election, to meet at the mayor's office on Saturday, at nine o'clock a. m., after each of such elections, and open and compare the returns, and ascertain and declare the result of such election, and make return of the result of such election.

Opening returns.

SEC. 9. Be it further enacted, That should there be two or more competing candidates for the office of mayor, receiving an equal number of votes, the aldermen elected at the same election, shall determine which of such candidates receiving an equal number of votes shall be mayor; and should any two or more candidates for aldermen receive an equal number of votes at any election, the mayor elected at that election shall decide and declare which of said candidates so receiving an equal number of votes, shall be alderman, or aldermen, and should any two or more candidates, for the office of marshal, or of clerk of said city, receive an equal number of votes, the aldermen elected, at that election shall determine and declare which of such candidates receiving an equal number of votes for marshal, or for clerk, shall be marshal or clerk, as the case may be; Provided, That in determining the question of a tie, as to any office of said city, there shall in each case be a record made of such tie and determination.

Ties.

SEC. 10. Be it further enacted, That the election of any person declared to be elected to any one of the

offices, in said city, may be contested by any qualified elector of said city, for any one or more of the following causes: 1st. Mal-conduct, fraud or corruption, on the part of the inspectors, clerks, returning officer, or the mayor and aldermen, supervising and ascertaining the result of any election. 2nd. When the person whose election is contested was not eligible to the office, to which he is declared to have been elected, at the time of such election. 3rd. On account of illegal voting. 4th. Intimidation, bribery, violence, or abuse, calculated to prevent a fair and free exercise of the elective, franchise. Contests.

SEC. 11. Be it further enacted, That any person desiring to contest the election of any person or persons declared to be elected to any of the offices of said city, must within ten days after such person or persons are declared to be elected, present a statement of the grounds of contest in writing, and verified by his oath, that it is true, to the judge of probate of Henry county, and also lodge with such judge surety for the cost of the contest, which shall be taxed against him and his sureties, in case he shall be cast in the contest the judge of probate upon the presentment of such statement for contest, must appoint a day not less than twenty nor more than thirty days from the time of such presentation, for the trial of the matter of such contest, and he must endorse the same upon such statement, the surety for cost must be approved by the judge of probate, but he must not require the surety for cost to be for a greater sum than two hundred dollars. Contest.

SEC. 12. Be it further enacted, That a copy of the statement for contest provided for in the preceding section with the day for trial endorsed thereon, shall be served on the person whose election is contested, or left at his usual place of residence, at least ten days before the day set for trial. Said endorsement shall also state whether said trial shall be conducted at the county site of said Henry county, or in said city, to be determined by the judge of probate of said county. Notice of contest.

SEC. 13. Be it further enacted, That either party shall have subpoenas to be issued by the judge of pro-

bate, to compel witnesses to attend and give evidence in the matter of such contest, and the judge of probate before whom such contest is pending, shall have the same power to compel the attendance of witnesses for either party to said contest as he has in other causes pending before him, or in the probate court of which he is judge.

Witness in contests.

SEC. 14. Be it further enacted, That the testimony in said contest may be taken by depositions upon interrogatories filed as in other causes, in the probate court, the adverse party to be served with a copy of such interrogatories, five days before the issuance of a commission so that he may cross them if he sees proper;

Interrogatories.

but if he is not in the city at the time of the filing of such interrogatories, it will be sufficient to endorse that fact upon the interrogatories at the time of filing, and there let them remain on file for five days before the appointment of a commissioner, and the issuance of commission. The witnesses and commissioner in such contest shall be entitled to the same fees as in other cases in probate court. The court may for good cause continue the cause to some other day, not more than twenty days, but no such cans 3 shall be continued for more than twice at the instance of the same party.

The trial.

SEC. 15. Be it further enacted, That the judge of probate in the trial of such contest, may examine the ballots and poll lists given and kept at such election, so far as may be necessary to enable him to arrive at a correct understanding of them; and he may be governed in the trial and determination of such contest by the rules of law and evidence governing the determination of questions of law, and fact, in the courts of law, in this State, so far as the same is applicable, and after hearing the evidence, and the argument of parties, or their counsel, must give judgment either confirming or annulling such election altogether, or declaring some other person or persons elected than the one whose election is contested.

When a tie is discovered.

SEC. 16. Be it further enacted, That if it appear to such judge upon the trial of such contest, that two or more persons have received for any one office an equal

number of legal votes the trial must be temporarily adjourned, and such result certified to the mayor and aldermen elected, whose duty will be to determine the tie under the provisions of this act hereinbefore pro-

vided for.

SEC. 17. Be it further enacted, That if the person whose election is contested, is proved to be ineligible to the office, judgment must be rendered declaring the election void as to such person, and the person having the next highest number of legal votes &hall be declared to be duly elected to such office. When election void.

SEC. 18. Be it further enacted, That when the election is declared void, or when any other person than the one whose election is contested, is declared elected, the party contesting recovers of the person whose election is contested, all costs for which execution may issue, returnable to any regular term of the court, within three months next after its issuance. Costs.

SEC. 19. Be it further enacted, That in all cases in which the contesting party is defeated, the party whose election was contested, recover of the contesting party all the cost for which execution against him and his sureties returnable as provided for in the preceding section. Costs.

SEC. 20. Be it further enacted, That either of the parties to such contest feeling aggrieved by the judgment of the judge of probate, may appeal the cause to the circuit court of Henry county, by complying with the laws regulating appeals from the probate to the circuit court. Appeals.

SEC. 21. Be it further enacted, That if, upon any contest of election of any officer or officers of said city, the election shall be declared annulled altogether by the probate court or the circuit court and no appeal should be taken from the judgment of the probate court or the circuit court annnulling such election, it shall be the duty of the mayor and councilmen or the mayor and aldermen, as the case may be who were in office at and before such election for officers of said city to order a new election for officers of said city, upon such day not more than thirty days after the judgment New election.

annulling the election which has been contested, as they may select, such election to be had, managed and controlled, return made, results ascertained and declared as hereinbefore provided.

Terms of present officers.

SEC. 22. Be it further enacted, That the mayor and councilmen now in office in said city and also the marshal and clerk now in office shall continue to exercise the duties and functions of their respective offices until their successors are duly elected and qualified under this act, and in all cases following, the mayor and aldermen, marshal, and clerk shall hold their offices until their successors are elected and qualified.

Who are eligible.

SEC. 23. Be it further enacted, That no person shall be eligible to hold office in said city who has not been a resident citizen thereof, for at least twelve months next preceding the election, and no elector shall be permitted to vote at any election in said city who has not been a resident citizen of the State of Alabama for twelve months and of said city for thirty days next before the election.

Vacancies.

SEC. 24. Be it further enacted, That if a vacancy shall occur in any of the offices in said city by death, resignation or otherwise, it shall be the duty of the mayor and aldermen or of a quorum of the aldermen, within ten days thereafter to order an election to fill such vacancies, which shall be held in all respects as other elections in said city, and after the like notice, as in other elections.

Vacancies.

SEC. 25. Be it further enacted, That if the office of marshal shall become vacant, the mayor and aldermen shall have the power and it is made their duty pending an election to fill such vacancy to make a temporary appointment of a marshal to fill such vacancy who shall serve until the election and qualification of a marshal as herein provided.

Oaths and bonds.

SEC. 26. Be it further enacted, That before any of the officers of said city shall enter upon the discharge of their duties as such, they and each of them shall make and subscribe to the oath in writing prescribed to be taken by the officers of the State of Alabama, and the marshal and clerk before entering upon their du-

ties shall each give bond and good security, for the faithful performance of their respective duties to be in such sum and with conditions as may be prescribed by the ordinances of said city, such bond to be approved by the mayor.

Quorum.

SEC. 27. Be it further enacted, That as many as three members of the board of aldermen shall be necessary to constitute a quorum to do business and such three aldermen may do any business of the city in the absence of the mayor.

Corporate name.

SEC. 28. Be it further enacted, That the mayor and aldermen and their successors in office are hereby constituted and declared a body corporate, to be known and recognized by the name and style of "The City of Columbia," and by that name they may sue and be sued, plead and be impleaded in all the courts of law and equity in this State, and shall be capable of purchasing, holding and conveying for and on account of said city, and for the benefit thereof, real and personal property not to exceed in value the sum of one hundred thousand dollars.

General powers of the corporation.

SEC. 29. Be it further enacted, That the mayor and aldermen of said city, acting for and in behalf of the same, shall have power and authority to ordain, pass and adopt all such laws, ordinances, by-laws and resolutions, not in conflict with this act, nor with the constitution of the State of Alabama, as may be deemed by them necessary for the good government of said city; such laws, ordinances, by-laws, resolutions and regulations may extend to provide for the preservation of health; to prevent and remove nuisances of whatever kind, to license and restrain theatrical amusements, museums, and shows of whatever kind within the corporate limits of said city; to prohibit and restrain every species of gambling, drunkenness, profane language, assaults, assaults and batteries, affrays, houses of ill fame and disorderly conduct of any kind whatsoever; to restrain, tax and license the sale of spirituous, vinous or malt liquors whether by retail or wholesale, within the limits of said city; to restrain, regulate, license and tax ten pin alleys, billiard tables, pool tables, or any

device which may be substituted, or any mode of gaming, gambling or chance taking; to regulate markets, and to establish the same if necessary; to establish a city prison; to sink and repair public wells, and to make all needful provisions, extending to the erection and construction of water works, for furnishing said city with water; to keep in repair all necessary streets, alleys, and drains, and adopt regulations and ordinances necessary for the same; to levy and collect taxes upon all the property in said city, not exempt from taxation by the laws of the State, not to exceed one-half of one per cent. upon the value thereof; to tax and license all auctioneers, whether residents or transients, and to tax and license all transient dealers in property, goods, wares, or merchandise, within the corporate limits of said city.

Assessment of taxes.

SEC. 30. Be it further enacted, That the mayor and aldermen under such ordinances as they may adopt shall have the power to have an annual assessment of taxes upon the property in said city to be made, the same to be done between the first day of October and the first; day of January of the following year, and when such assessment shall be made, it shall be examined and corrected not to begin until the tenth day of January. The time elapsing between the first and the tenth day of January, shall be allowed to any tax payer to examine his tax list, and call attention to any error if it be found to exist in the assessment against his property, such error, if it be found to exist, to be corrected by the mayor and aldermen when they shall examine the assessment list as hereinbefore provided.

When taxes due.

SEC. 31. Be it further enacted, That the taxes assessed against the property in said city shall be due and payable on the first day of February, and if they are not paid on demand made by the first day of March, each tax payer so failing to pay his taxes shall be a defaulter, and his failure to pay his taxes shall be reported to the mayor whose duty it shall be to endorse upon his tax list the fact that he has failed to pay his taxes, that he is a defaulter, and an order to the marshal to levy upon his personal property if he has any, and if he has none, then upon his real estate for the satisfaction of his taxes, and

such list with such endorsement thereon shall be held and treated as an execution and shall be by such marshal levied according to the direction thereon, endorsed upon the property of the tax payer, and it shall then be the duty of such marshal to advertise such property, whether real or personal, for sale by giving three weeks notice in a newspaper published in said city, or by posting written notices in three public places in said city, giving the time and place of the sale; and a description of the property to be sold, and why sold, and upon the day of sale, it shall be the duty of the marshal between the hours of eleven in the monring and the hours of four in the evening, to sell so much of the property of such defaulting tax payers at public auction, to the highest bidder for cash, to pay the taxes due by him and all the costs and charges incident to such sale. If the property so sold be real property, such time for its redemption not to exceed two years nor to be less than one year as may be provided by the ordinances of said city, and when the time for redemption has elapsed, such real estate shall be conveyed to the purchaser thereof, by the mayor by deed of conveyance similar in all substantial respects to a deed made by a judge of probate to real estate sold for taxes due the State of Alabama; Provided, that when real estate is sold for taxes the marshal shall furnish the purchaser with a certificate of purchase upon the payment of the purchase money, similar to tax collectors certificates of purchase, such certificates of purchase to be signed by the marshal and countersigned by the mayor,

Tax sales.

Certificate of sale.

SEC. 32. Be it further enacted, That the assessment of taxes hereinbefore provided for, shall be made by the clerk of said city or by some other person, elected by the mayor and aldermen, and such taxes shall be collected by the clerk or the marshal as may be determined by the mayor and aldermen.

Who assess taxes.

SEC. 33. Be it further enacted, That the mayor, marshal, clerk or any one of the aldermen, of said city, may be removed from office upon charges in writing and sworn to before any officer authorized to administer an oath in this State, and may be made by any citizen of said city, such charges must be presented to the mayor and aldermen or if the charges be against the mayor, to the board of aldermen, or if they be against an alderman, to the mayor and remaining board of aldermen. Such

Officers may be removed.

charges must state that the officer sought to be removed from office is guilty of one of the following offenses: habitual drunkenness, bribery, embezzlement of city funds, neglect of official duty without a good and sufficient excuse and for the conviction of any felony in the State or federal courts; upon the presentation of such charges, the mayor or either of the aldermen as the case may be, shall endorse thereon the day on which the mayor and alderman or aldermen will enter into an investigation of such charges, which day shall not be under ten nor more than twenty-five days, from the presentation of such charges, and a copy of such charges with the endorsement thereon shall be served on such officer sought to be removed, and when the day arrives which was appointed for the investigation of such charges, and there be no just cause for a continuance or if such investigation is continued to another day, it shall not be over fifteen days from the day first set for the investigation, the mayor and aldermen or the aldermen shall sit as a court and hear evidence in support and in defense of such charges against such officer, such investigation must be conducted according to the rules of law as to the admissibility of evidence and after hearing the argument of parties or their counsel, if two-thirds of the board of investigators, consisting of the mayor and aldermen or aldermen, believe beyond a reasonable doubt that such officer is guilty of the charges brought against him he shall be removed from office, and if necessary his office shall be supplied with a temporary officer to be appointed by the mayor and aldermen or the aldermen until another officer shall be elected as hereinbefore provided.

Trail of charges.

SEC. 34. Be it further enacted, That the mayor and aldermen shall have the power to establish limits in said city to be known as fire limits, and to prohibit and prevent the erection and construction therein of all kinds of wooden or other buildings or structures, except those erected or built of brick, stone, or other safe or fire-proof building material; and shall have power to fix and prescribe such fines and penalties as they may deem necessary to carry into effect the provisions of this section, and they shall have power to collect such fines, and in the same manner as other fines and penalties are collected.

Fire limits.

SEC. 35. Be it further enacted, That the mayor and aldermen shall have the power to remove from within the fire limits all unsafe structures and buildings of every kind which are dangerous to the property of the citizens, when in their judgment it is best for the interest of said city; Provided, just compensation shall be allowed and paid the owner for the damages actually done him; but this provision shall not apply to the removal of any structure or building which may be erected after such fire limits are prescribed by the mayor and aldermen under the provisions of this act.

Unsafe structures.

SEC. 36. Be it further enacted, That the mayor and aldermen shall have power to make and ordain all such laws and regulations as may be deemed necessary to prevent horses, mules, cattle, hogs, sheep and goats from running at large within the corporate limits of said city, and to this end they may prescribe such penalties for a violation of the law and regulation they may adopt, as in their judgment may be necessary to prevent such freedom to the stock classified, and they shall have the power, if such fines and penalties as they may prescribe for allowing stock to ran at large in said city are not paid, at once to provide for the sale of the stock so permitted to run at large for the payment of the same; Provided, that no stock shall be sold under the provisions of this section, or the ordinances and laws in pursuance hereof, until the owner of such shall be notified personally of the time and place of sale, if he be in the city, or such notice in writing be left at his place or residence if he be not in the city, one or the other as the case may be, at least one day before the sale; and if the owner be not known or can not be ascertained by reasonable inquiry, then before a sale of stock shall be made, it shall be the duty of the marshal to give notice of such sale by posting written notices in three public places in said city at least five days before such sale, which notice shall contain a description of the stock by ear and flesh marks, and also name the time and place of sale.

Stock running at large.

SEC. 37. Be it further enacted, That the mayor and aldermen shall have power to make all such laws

and ordinances as may be necessary to cause all va-
Vagrants. &c. grants, idle, disorderly or dangerous persons, and all such persons who have no funds or visible means of support, or such persons who are found begging or drunk in and about the streets, and those who are grossly indecent in language or behavior publicly, and all persons of a suspicious character, and those who can not give a good account of themselves, to give bond for their good behavior for a reasonable time, and in case of their inability or refusal to give such bond, with good security, to cause them to be punished by fine, or hard labor, or imprisonment for a term to be fixed by ordinances of said board of mayor and aldermen.

SEC. 38. Be it further enacted, That the mayor and aldermen shall have power to regulate, restrain
Peddlers, &c. and license transient merchants or dealers, peddlers, venders of patent medicines, paints, soaps and other merchandise, and to prescribe such penalty for doing such business without a license as in their judgment will prevent the same.

SEC. 39. Be it further enacted, That the mayor and
Road tax. aldermen, at their discretion, may exempt all persons residing within the corporate limits from work on the streets or public roads in said city, and may require such persons who are liable to road duty to pay a road tax each, not to exceed five dollars, and they are authorized to levy and collect such road tax annually at the same time and under the same laws and regulations as under this act control the assessment and collection of taxes.

SEC. 40. Be it further enacted, That if the mayor and aldermen fail to exempt the persons in said city liable to road duty under the provisions of the preceding sec-
Street overseer tion, then it shall be their duty to appoint an overseer of the public streets, alleys and public roads in said city, and shall require and regulate the working on the same by all the persons living in the city liable to road duty, for a time or times not exceeding ten days in each year, the same to begin on the first day of March and end on the last day of February in the following year.

SEC. 41. Be it further enacted, That no person residing in such city shall be required to work on the public roads outside of the limits of said city.

SEC. 42. Be it further enacted, That the mayor and ldermen shall have power to construct water works in said city, to be used by the city in such manner and for such purpose as they may deem to be for the benefit of its citizens, and they shall have power to make all such contracts in the purchase of machinery and material, and in procuring; the necessary work to be done and in securing the right of water and the right of way, when the same may be necessary, as may by them be deemed necessary and proper in the construction of such water works; they shall also have the right and power to furnish water to persons residing in said city for private use, under such rules and regulations and for such remuneration to the city as may be ordained and prescribed by the mayor and aldermen. Water works.

SEC. 43. Be it further enacted, That the mayor and aldermen shall have authority and power to erect and construct gas works or electric light works in said city, for the purpose of lighting up said city and also for the purpose of furnishing the residents of said city, for private use, or they may adopt any other mode of lighting said city which to them may seem right and proper, and to this end they shall have same rights and powers in all respects as are conferred upon them in the preceding section in the matter of erecting and constructing water works. Lightning the city.

SEC. 44. Be it further enacted, That the mayor and aldermen in ordaining, making, adopting and establishing the ordinances, laws, regulations and resolutions for the administration of justice in said city, and to carry out the provisions of this act in preserving the good order, peace and quiet of said city, shall have the power to fix a and prescribe the fine and imprisonment or hard labor for the city, one or two of the punishments named, as the case may be, upon persons violating any of the laws of the city, the fines not to exceed in any case the sum of two hundred dollars, and the imprisonment or hard labor for the city not to exceed in any case the period of two months. Fixing fines, &c.

SEC. 45. Be further enacted, That the mayor or any alderman who may try the cause, as the case may be, shall have the power, when a fine is imposed upon any one for the violation of an ordinance of said city, and is not presently paid or secured, as may be required, to sen- Hard labor.

tence such person to imprisonment in the city prison, or to hard labor for the city, and in imposing such imprisonment or hard labor the mayor or alderman, as the case may be, shall be governed as to time of imprisonment or hard labor by the law regulating a sentence to imprisonment or hard labor of a defendant who has been convicted and failed to pay or secure his fine under the State law.

SEC. 46. Be it further enacted, That when any fine is imposed upon any person for a violation of any law of said city, the person against whom it is adjudged shall be permitted to secure the same by the confession of judgment of himself and good and sufficient surety, as in cases in the circuit and county courts of this State, and if such fines are not paid within ten days, it shall be the duty of the mayor to issue upon such judgment and deliver the same to the marshal, who shall have same rights and power to collect such execution as is conferred by the laws of Alabama upon the sheriffs in like cases, and it shall be his duty to collect such flues at once.

Payment of fines.

SEC 47. Be it further enacted, That it shall be the duty of the mayor to attend and preside at all the meetings of the aldermen, to keep order, put questions and take votes, and he is hereby invested with the power and authority to take jurisdiction of every violation of the law and ordinances of said city, and to try, convict and punish any and every person who shall be by him found guilty of any violation of the ordinances of laws of said city, and he shall have the same power and jurisdiction of a justice of the peace over all violations of the State law committed in said corporation, and may convict when a justice of the peace might do so, or hold to bail, as the case may be, and his fees shall be the same in all cases, either for a violation of the city or a State law, as those for a justice of the peace for like service, to be taxed and collected from the defendant upon conviction.

Mayor's duties

SEC. 48. Be it further enacted, That in the absence of the mayor or his disqualification to act, the same rights and powers are hereby conferred upon any alderman in said city, as are conferred by the preceding section upon the mayor.

Mayor pro tem.

SEC. 49. Be it further enacted, That the clerk of said city is hereby authorized and empowered to is sue all such executions and other process as may be ne ces

Clerk.

sary to enforce the collection of all taxes, fines, forfeitures and other dues which may be owing said city on any account whatever.

Marshal.

SEC. 50. Be it further enacted, That the marshal of said city shall have authority, without warrant, to arrest all persons breaking the peace in said city, or violating any of its ordinances or laws, and bring them before the mayor, or alderman, in the absence or disqualification of the mayor, to execute by levy and sale if necessary all process issued by the clerk, for the collection of taxes, fines, forfeitures and other dues, and to discharge all such other duties as may be required of him by the laws and ordinances of said city.

Duties prescribed.

SEC. 51. Be it further enacted, That the mayor and aldermen may by ordinance prescribe all such duties not inconsistent with this act as may be required of each of the officers of said city.

Fees of Marshal.

SEC. 52. Be it further enacted, That the marshal shall have two dollars for each arrest made by him, when the party is convicted, to be taxed against the defendant upon conviction, and he shall have such salary not to exceed three hundred dollars per annum as may be fixed by the mayor and aldermen.

Pay of clerk.

SEC. 53. Be it further enacted, That the clerk shall have such pay for his services not to exceed two hundred dollars per annum, as may be prescribed by the mayor and aldermen.

Ordinances in force.

SEC. 54. Be it further enacted, That all the laws and ordinances now of force in said city, except the act of incorporation and the amendments thereto, not inconsistent with the provisions of this act, shall remain and continue to be of force until repealed by the mayor and councilmen.

When laws go into effect.

SEC. 55. Be it further enacted, That no ordinance or law of said city, created by the mayor and aldermen thereof, shall go into effect and be operative until due notice thereof shall have been given for two weeks by publication in some newspaper published in said city, or by posting written notices at the court house door^ at the post office in said city, and at two other public places in said city, such publication or notice to contain a written or printed copy of such ordinance or law

SEC. 56. Be it further enacted, That the powers and authority conferred by this act upon the mayor and aldermen of said city to be hereafter elected, are in all things and in all respects conferred upon the acting mayor and councilmen of said city.

Previous assessments.

SEC. 57. Be it further enacted, That all assessment of taxes which have been made in said city under its present charter, shall remain valid and be collected as provided by the laws of force in said city at the time of such collection.

Police.

SEC. 58. Be it further enacted, That the mayor and aldermen, or the mayor, shall have the power to employ such. police force as may be necessary to carry into full force and effect the law and ordinances of said city, and to preserve the good order, peace and quiet of said city.

Solicitor.

SEC. 59. Be it further enacted, That the mayor and aldermen shall have the right and power to elect a solicitor to prosecute all causes for violation of the city ordinances, and to. prescribe his fees therefor, which shall not exceed five dollars for each defendant convicted, which shall be taxed against the defendant and collected as other cost.

Mayor's salary.

SEC. 60. Be it further enacted, That the mayor shall have a salary for his services performed by him, the amount of which shall be proscribed by the aldermen and paid out of the city treasury, quarterly, upon a warrant signed by the alderman of ward number one and countersigned by the clerk; provided, such salary shall not exceed two hundred dollars per annum.

Ferry.

SEC. 61. Be it further enacted, That the mayor and aldermen of said city shall have the power to buy, lease, own and operate a ferry across the Chattahoochee river, at any place on said river within three-fourths of a mile of said corporate limits, and to employ a ferryman and to pay him a salary not to exceed the sum of four hundred dollars per annum, and to build and construct boats to run in the operation of said ferry, and to buy such material and have such work done as in their judgment will be necessary for the safe and convenient management of said ferry, and said mayor and aldermen shall have power to charge a remuneration for those who cross on said ferry, or, if they see proper, they may have such ferry run and

operated free to those who shall cross on the same, and may pass such ordinances as to them may seem just and proper as to the management and control and safety of said ferry.

SEC. 62. Be it further enacted, That an act to incorporate the town of Columbia, in the county of Henry, approved March 1st, 1881, and all acts amendatory thereof be, and the same is, hereby repealed.

Approved February 21, 1893.

No. 510.] AN ACT [s.300.

To authorize the city of Tuscumbia to purchase or condemn certain lots of land for cemetery purposes, and to lay same off into lots and squares, and sell and convey same to individuals for burial grounds.

Section 1. Be it enacted by the General Assembly of Alabama, That the city of Tuscumbia, Alabama, is hereby authorized to purchase lots six hundred and twenty-nine (629), six hundred and thirty (630), six hundred and sixty-four (664), and six hundred and sixty-five (665), according to the map, plan and survey of said city of Tuscumbia, for cemetery purposes, and are authorized to lay out the same or any part thereof into squares or lots, and sell same to parties for burial lots, and make conveyances to same. No. of lots.

SEC. 2. Be it further enacted, That in the event the city of Tuscumbia and the owner or owners of said lots fail to agree on the price thereof, the said city is hereby authorized to condemn said lots in the manner provided by law for the condemnation of lands for public uses. May condemn lots.

Approved February 21, 1893.

No. 511.] AN ACT [s. 413.

To incorporate the Wetumpka Falls Electric Power and Manufacturing company.

Section 1. Be it enacted by the General Assembly of Alabama, That M. B. Houghton, F. M. Billing, H. L.

Corporators and name

Williams, Peter A. Buyck, John H. Parker, H. B. Tnlane, J. A. Lancaster, W. P. Gaddis, Lamar Cantelou, D. W. Walkley, Calhoun McQueen, A. F. Wilson and M. Hohenburg, of the State of Alabama, and such other persons as shall hereafter become associated with them, and their successors and assigns, be, and they are hereby constituted a body corporate and politic with perpetual succession under the name and style of the Wetumpka Falls Electric Power and Manufacturing company, and by that name or such other name as the stockholders after their organization may adopt, are hereby authorized to sue and be sued, contract and be contracted with, make a common seal, and the same alter and renew at pleasure, to buy, own, sell and mortgage real estate and personal property, for the present and future business and purposes of such company, as well as such other property as said company may otherwise acquire, by gift, devise, donation or purchase, for investment or development, and generally to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the full carrying out of the objects and purposes of this company.

Capital.

SEC. 2. Be it further ended, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, but such capital stock may be increased to a sum not exceeding one million dollars at any meeting held after the organization of said company for such purpose.

Subscriptions.

SEC. 3. Be it further enacted, That the subscriptions to the capital stock of said company may be made payable in money or property real or personal, in whole or in part thereof, as may be expressed in the contract therefor, and if made payable in property other than money at such price as may be agreed on between the subscribers and a majority of said corporators and their associates, or if said subscription be made after the organization of the said company, between the said subscribers and its board of directors.

Offices.

SEC. 4. Be it further enacted, That the domicile of its principal office shall be in the city of Wetumpka, but it may establish other branch offices or places of business at such other point or points in the State as the board of directors may authorize and direct.

SEC. 5. Be it further enacted, That the corporators

named in the first section of this act, or any three of them, their successors and assigns, may open books of subscription for the capital stock of said company at such place or places as they may deem proper, and when as much as fifty per cent. thereof, shall have been subscribed, they shall call the subscribers together by giving notice of the time and place of holding said meeting. At such meeting the stockholders shall elect a board of directors from among their number; said board of directors shall consist of not less than three nor more than nine members, for the management of the property and business of the company, and who shall hold office for twelve months, or till their successors are elected, and said board of directors shall elect such officers as they may deem necessary for the management and control of the company, and may fix their compensation to be paid to such officers, agents and employes of the company; and the board of directors shall in like manner thereafter annually elect all officers of the company as herein provided, and to fill vacancies, may elect such officers at any time by a meeting of the board specially called for that purpose.

Organization.

SEC. 6. Be it further enacted, That when said company shall be fully organized as provided in the fifth section of this act, an installment of twenty per cent. on each share of stock subscribed for in money shall be due and payable, and shall be called in by giving such notice as the directors may direct and determine. The balance due on such subscriptions shall be called in by the directors in installments. Nothing in this act shall be construed to prevent any subscriber to the capital stock of the company from paying up the entire amount of his subscription in cash and taking therefor fully paid up stock at any time he may elect to do so. No capital stock shall be. issued by the company until the full amount therefor subscribed shall be paid into the treasury of the company; and in cases where subscriptions are made payable in property other than money, no stock shall ever be delivered to the subscribers until the property or value has been delivered to the company.

Payment of subscription.

SEC. 7. Be it further enacted, That at every meeting of the stockholders of the company, each stockholder shall be entitled to one vote for each share of stock owned and held by him, either in person or by proxy. The board of directors of said company shall be elected at each an-

Voting of stockholders.

nual meeting of the stockholders, and they shall serve for one year or until their successors are elected and qualified, and there shall be held at the principal office of the company, or at such other place as the stockholders may prescribe, annually a stockholders meeting or convention for the election of directors, and for the transaction of such other business as the stockholders when so assembled, may deem necessary or proper. The omission or failure of the stockholders to call and hold such annual meeting shall not work a forfeiture of any of the companies rights, privileges, powers or franchises hereby granted. The board of directors shall have control of the business of the company, and shall make an annual report to the stockholders of their management of the company, and its financial condition, and make all needful by-laws, rules and regulations, for the carrying on and conducting the affairs of the company, and prescribe the mode of the transfer upon the books of the company of the shares of the capital stock.

Reports.

SEC. 8. Be it further enacted, That said company shall be authorized to establish at or near the city of Wetumpka, an electric power and light plant, and to supply any person or persons, town, village, community or city, within the State of Alabama, with electricity, for illumination, heating, or any industrial or manufacturing purposes; arid any city, town or person, desiring to secure such electricity for the purpose of illuminating, heating, or for any industrial or manufacturing purposes, is hereby authorized to contract with said company for such electricity, for lighting the streets and other public places, and buildings, for a term of not exceeding twenty years from the date thereof.

Electric light plant.

SEC. 9. Be it further enacted, That said company is hereby authorized and empowered to locate, construct, establish, and thereafter maintain and operate throughout the State, electric light and power transmitting wires, and for those purposes is hereby authorized to acquire the necessary right of way, upon which to erect its poles, and place its wires, over, across or along any railroad, public road or other road, or on, along, through or across the streets of any city, town, village, or the lands of any person or corporation, upon obtaining the

Wires.

consent of the authority of said city, town or village, and upon payment of just compensation for any land or property taken from individuals, to be determined by the general laws of the State upon the subject of condemning lands for public use.

SEC. 10. Be it further enacted, That said company may borrow money for the purpose of carrying out the objects of this charter, and may make notes, bonds, or other evidences of debt; and by a vote of a majority of its stockholders, had at a meeting called for that purpose, in such manner as required by law, may secure the payment of notes, bonds, or other evidences of debt, by a mortgage or deed of trust, upon its franchises, and any and all of its property, both real and personal. Bonds.

Approved February 21, 1893.

No. 512.] AN ACT [s.143

To incorporate the town of Hollins, in Clay county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the inhabitants in the town of Hollins in Clay county, shall be and constitute a body politic and corporate by the name of the town of Hollins, and by such corporate name may sue and be sued, contract and be contracted with, buy, hold, grant and sell, real; personal and mixed property, and do all other acts incident to municipal corporations, consistent with the laws and constitution of this State. Corporate name.

SEC. 2. Be it further enacted, That the corporate limits of said town shall embrace the S. W. ¼ , and W. ½ of S. E. ¼ of section eight (8), and the N. W. ¼ and W. ½ of N. E. ¼ of section 17 (17), all in township twenty-two (22), range five (5), in Clay county, State of Alabama. Boundaries.

SEC. 3. Be it further enacted, That the government of said town and corporation shall consist of a mayor and five councillors who shall be elected annually on the first Monday in March, and at such elections, the Government.

inhabitants of said town, who have resided therein for thirty days next preceding such elections, and are otherwise qualified electors under the State laws to vote in State and county elections are qualified voters, and shall be allowed to vote in such elections.

Elections.

SEC. 4. Be it further enacted. That elections for mayor and councillors of said town shall be ordered, held and declared as follows: The council of Hollins, consisting of the mayor and councillors, shall appoint three (3) inspectors of election, and a returning officer, and the place of holding the election, and give notice of the same by posting notices of the same at three (3) public places in said town for ten days next preceding such election, and said election shall be held and conducted in all respects as elections for State and county officers. The election returns shall be delivered to the returning officer and by him to the mayor, or acting mayor, within twenty-four (24:) hours after the polls are closed; the council of Hollins, shall meet on Wednesday after the election, examine the returns, declare the result of the election, and give notice of the same by posting notices at three (3) public places in said town. And the council of Hollins is the tribunal before which all matters of contest growing out of such election are triable.

Who eligible.

SEC. 5. Be it further enacted, That no person shall be eligible to, or hold the office of mayor or councillor, except a qualified elector of said town, who has resided therein one year next preceding the election.

Oaths.

SEC. 6. Be it further enacted, That the mayor and councillors and all other officers of said town shall, before entering upon the duties of their respective offices, take and subscribe to the oaths prescribed for State and county officers.

Bonds.

SEC. 7. Be it further enacted, That the mayor, before entering upon the duties of his office shall give bond in the sum of one thousand dollars, conditional as bonds of county officers, which shall be approved by the judge of probate of Clay county, and filed and recorded with the bonds of the county officers in the probate office of said county.

SEC. 8. Be it further enacted, That the council of Hollins shall have power to elect or appoint a clerk who shall be ex-officio tax assessor of said town, a marshal who shall be ex-officio tax collector of said town, and a treasurer of said town, prescribe their duties, powers and liabilities, require of each a bond in such amount and with such security as may be deemed by the council sufficient, to secure the faithful performance of official duty, to remove any or all of such officers and supply their places; said officers shall continue in office, unless sooner removed, until the next annual election for mayor and councillors, and until their successors are elected or appointed and qualified. Clerk and treasurer

SEC. 9. Be it further enacted, That the council of said town shall have the power to fix and regulate the corn pensation of the mayor and other officers of said town. Pay.

SEC. 10. Be it further enacted, That if from any cause the office of mayor shall become vacant, the coun cil of said town shall elect a mayor to fill such vacancy. who shall give the required bond and hold said office for the unexpired term of his predecessor, and all vacancies of councillors shall be filled by election from the electors of said town having the prescribed qualifications. Vacancies.

SEC. 11. Be it further enacted, That the corporate authorities of said town of Hollins shall have all the powers given to and conferred on the corporate authorities of towns by and under Sections 1500 to Section 1516 inclusive, of Chapter 1, Title 14, Part 1, of the Code of Alabama. General powers.

SEC. 12. Be it further enacted, That the corporate au thorities of said town shall have power to pass and enforce such by-laws and ordinances as may be necessary to prevent hogs and other stock from running at large in said town. By-laws.

SEC. 13. Be it further enacted, That for the purpose of holding the first election, to-wit: On the first Monday in March, 1893, for mayor and councillors under this charter, 5. L. Kaul, C. J. Conaway and S. A. Nettles are hereby appointed commissioners, who as such commissioners, shall do and perform the duties required of the council of Hollins in the fourth section preceding, as to ordering, holding and declaring the result of said election. First election.

SEC. 14. Be it further enacted, That all laws and parts of laws and all other proceedings had for the corporation of said town of Hollies are hereby repealed.

Approved February 21,1893.

No. 513.] AN ACT [s. 432.

To regulate the reports of the State Superintendent of Education to be made to the Governor.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the State superintendent of education be, and the same is hereby required to make his report to the governor bi-ennually, instead of annually, as is now required by Section 951 of the code of Alabama.

Approved Feb. 21, 1893.

No. 514.] AN ACT [s.246.

To define and establish the boundary line between the counties of Mobile and Washington in this State.

Section 1. Be it enacted by the General Assembly of Alabama, That the following shall be the boundary line dividing Mobile and Washington counties, namely: Commencing at the northwest corner of section thirty

Line defined. (30), in township two (2) north, range four (4) west, and running thence west on the section line to the State line dividing Alabama and Mississippi, thence due east on the section lines to the west line of township two (2) north, range three (3) west, thence north on said township line, being the line between towship (2) north,range (4) west,and township two (2) north, range three (3) west), to the northwest corner of section eighteen (18), in township two (2) north, range three (3) west, thence due east on the section lines to the southwest corner of section nine (9), in township two (2) north, range one (1) east, thence northeast to the northeast corner of section seven (7), in township two (2) north, range one (1) east, thence in a

southeasterly direction to the upper end of Nannahubba Bluff, on the Tombigbee river, near the old brick yard.

SEC. 2. Be if further enacted, That the board of revenue and board of commissioners of Mobile county, and the court of county commissioners of Washington county, are each authorized and empowered to appoint a commission, whose duty it shall be to make and establish the line between the counties aforesaid according to the terms and description in Section 1 of this act. Said commissioners so appointed shall cause said line to be permanently marked by nine stone pillars, located as follows: One at the State line, one at each point where said boundary line changes its direction or crosses a township line, and one where it intersects the Tombigbee river. Each of said stone pillars shall be marked on the top with a groove indicating the direction of said boundary line at that point, and with the letters W. C. and M. C. to indicate which side is Mobile county and which Washington county.

Commissioners.

Pillars erected.

SEC. 3. Be it further enacted, That each of said commissioners shall be entitled to five dollars per day for every day he may be engaged in the performance of the duties of this act, the same to be paid by the treasurer of the county for whom he was appointed, on a proper claim made and presented to said county board.

Pay of commissioners.

SEC. 4. Be it further enacted, That said commissioners are hereby authorized to employ the services of a competent surveyor to assist them in locating said line, and they are further authorized to employ one laborer with a sufficient team to attend them for the purpose of carrying and putting down said stone pillars. Said commissioners are further authorized to contract for the making and delivery of said stone pillars and charge the same to said counties ; and the total expense of marking and defining said boundary line, including the reasonable compensation to be allowed the surveyor for his services, as well as the hire of the laborer and team, and the Cost of making and delivering said stone pillars, shall be paid equally by said two counties, that is to say, one half of said expense to be paid by Mobile county and the other half by Washington county,

Surveyors and assistants.

SEC. 5. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved Feb. 21, 1893.

No.515.] AN ACT [s. 251.

To provide clerical assistance for the Judges of the Supreme Court.

Section 1. Be it enacted by the General Assembly of Alabama, That the judges of the supreme court shall appointer employ, in the manner herein after provided, a secretary, prescribe his duties and fix his compensation, which shall be paid monthly out of the State treasury on the certificate of the chief justice; Provided, the aggregate compensation for such secretary shall not exceed fifteen hundred dollars per annum.

How appointed.

SEC. 2. Be it further enacted, That the secretary shall be appointed by the chief justice, with the advice and consent, and upon the ratification of the associate jnstices, and shall hold his office for the current term of the judges, unless he sooner dies, resigns or is removed, in which cases, or in case of a vacancy for any cause, as ecretary shall in like manner be appointed for the unexpired term. The secretary is removable by the chief justice of his own motion, and must be removed at the request of three associate justices.

How removed

SEC. 3. Be it further enacted, That all laws providing for a secretary to the chief justices are hereby repealed, except the clause in the general appropriation act making appropriation for the compensation of such secretary, which fund shall be available for the expenditures authorized by this act.

Approved Feb. 21, 1893.

No. 516.] AN ACT [s. 419.

To provide for the teaching of children in townships where less than the requisite number of children of the proper school age reside.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in townships where less than the requisite number of children of the proper school age reside,it shall be the duty of the school trustees of

such townships to arrange for the teaching of such children as they deem proper and just, subject to the approval of the county superintendent of education, and to pay for the tuition of such children in the manner prescribed by law, out of the school funds appropriated to such townships.

Approved February 21, 1893.

No.517.] AN ACT [s.259.

To empower Joseph E. Hughes, as the administrator of the estate of Miles J. Hughes, deceased, to sell the property of said estate without an order of court, at public or private sale, and to borrow money by mortgaging the property of said estate to pay debts.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Joseph E. Hughes, as the administrator of the estate of Miles J. Hughes, deceased, late of Etowah county, State of Alabama, be and he is hereby empowered, without order of court, to sell the real estate belonging to said estate, at public or private Bale, and by proper instrument in writing to convey the same to the purchaser, but he shall report all sales so made to the court having jurisdiction of the administration of said estate.

SEC. 2. Be it further enacted, That said administrator be and he is hereby empowered to borrow money to pay the debts of said estate, and to secure the payment of the money so borrowed by executing mortgages of the property of said estate to the lender.

Approved February 21, 1893.

No. 518.] AN ACT [s. 391.

To create a separate school district in Henry and Dale counties in Alabama, to be known as "Blackwood's School District," and to define the boundaries thereof.

SECTION 1. Be it enacted by the General Assembly of Alabama, That there is hereby created in Henry and Dale counties a separate school district, to be known as "Blackwood's School District," composed of a portion of Henry and a portion of Dale counties in Alabama, the boundaries of which shall be as follows,
Boundaries. viz: Beginning on the range line which divides ranges 26 and 27, in township 5 in Henry county, at the northeast corner of section 24, in township 5, range 26, and running due west to the Henry and Dale county line, thence north along said county line to the Choctawhatchie river, thence down said river to the junction of the river and Blackwood's creek, thence up Blackwood's creek east to the Henry county line, thence south along said line to township line dividing said townships 4 and 5, thence east along said township line to range line dividing ranges 26 and 27, thence along said range line north to the starting point, all in township 5 north, and range 26 east, being located in Henry and Dale counties in Alabama.

SEC. 2. Be it further enacted, That the superintendents of education of Henry and Dale counties and their successors in office are hereby authorized and empowered
Trustees and to appoint trustees, who shall be citizens within said dis-
funds. trict, who shall perform all the duties now incumbent on township superintendent as to public schools in said district; and the said superintendents of education in Henry and Dale counties, and their successors in office hereinafter, shall apportion to said school district the school funds in the same manner as is now provided by law for township and other school districts in their respective counties.

SEC. 3. Be it further enacted, That said "Blackwood's School District" shall be entitled to secure its

proportionate share of all funds raised or appropriated by the State for public schools; also its proportionate share of the sixteenth section fund accruing to the townships of which said school district is a part, and it shall receive all poll tax which may be collected from residents of said school district, and all funds which may be donated thereto. Funds.

Approved February 21, 1893.

No. 519.] AN ACT [s. 146.

To amend the charter of the town of Newton, in Dale county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That sections one, 9, 15 and 19 of the charter of the town of Newton be amended so as to read as follows:

SECTION 1. Be it enacted by the General Assembly of Alabama, That the town of Newton, in the county of Dale, be, and the same is hereby incorporated, and the corporate limits of said town shall extend from the center of the public square in said town one half mile west, thence south three-fourths of a mile, thence east one mile and a half, thence north to the Mathews Mill creek, thence down said creek to the Choctawhatchee river, thence down said river till it strikes due north of the line running north and south, thence south to the starting point of the boundary line one half mile west of said public square. Limits.

SEC. 9. Be it further enacted, That the corporate authorities of said town shall have power and authority to ordain and pass all such ordinances, by-laws and resolutions as may be necessary to enforce the powers herein granted, and for the good government of said town, which ordinances, by-laws, resolutions and regulations, may extend to the preservation of health, to prevent and remove all nuisances; to license annually all businesses, trades and professions, not prohibited Corporate powers.

by the constitution and laws of the State of Alabama, and to provide a penalty, for the doing of business without a license; Provided, that but one license for any particular business, trade or profession shall be collected of persons, firms or corporations using but one place of business in carrying on such business, trade or profession, to tax, license and restrain theatrical amusements, shows and museums of all kinds whatsoever, within the corporate limits of said town, to prohibit and restrain every species of gambling, drunkenness, profane or obscene language, assaults, assaults and batteries and affrays, houses of ill fame or disorderly conduct, to tax, license, regulate and restrain the sale of spirituous or alcoholic liquors at wholesale or retail, to tax and license ten pin alleys, billiard tables, &c., in such manner as is not inconsistent with the general laws of this State, to regulate and establish markets, town prisons, sink and repair public wells, and make all needful provisions for furnishing the town with water, to keep in repair all necessary streets, alleys and water drains, and ordain regulations for the same; to levy and collect for the use of the incorporation not exceeding one-half of one per cent. tax on the valuation of all the property within the corporate limits of the town, subject to taxation as provided by the revenue law of this State; said authorities of the town of Newton are authorized and empowered to collect the town tax under and by the same revenue laws as are prescribed for the collection of the State and county taxes; to tax and license concerts, musical instruments whenever admission fees are charged, to tax and license all resident or transient auctioneers, peddlers, exhibitions of slight of hand or legerdemain, gypsies, fortune tellers, bagatelle or Jenny Lind and pool tables, shooting galleries, cockpits and skating rinks, &c. The council of said town of Newton shall have power and authority to remove from office the mayor, clerk or marshal of the town, for drunkenness, embezzlement of public funds, neglect or failure to discharge the duties of their respective offices, or other infamous crimes or grossly immoral con-

General powers.

duct, under such rules and regulations as said council shall ordain and establish, and fill such vacancies when thus created in such manner as they shall provide; said council is hereby authorized and empowered to ordain and establish rules and regulations for the erection and use of black smith shops and engines or other place designed for public use in which fire is the promoter of heat or power, and shall in anywise subject the property of the town as any person to any damage or destruction with fire, to ordain and pass all such ordinances, by-laws and regulations or resolutions as may be necessary for the good government of the said town of Newton, not inconsistent with the constitution and general laws of this State and the provisions of this act.

SEC. 15. Be it further enacted, That all male persons liable to road duty under the laws of the State, residing in said town, shall be liable to street tax of ($2.50) two and a half dollars per annum, and shall be exempt from road duty upon payment of said street tax, but upon failure to pay said street tax, shall be forced to work out the amount thereof on the streets of Newton at the rate of fifty cents per day. Street tax.

SEC. 19. Be it further enacted, That this act and amendment shall relate only to those sections mentioned herein, and shall not effect or in anywise change those sections not mentioned, but that the sections as amended shall take the place in the charter as amended.

Approved Feb. 21, 1893.

No. 520.] AN ACT [s. 562.

To confirm the charter of the Jefferson county Building and Loan Association, and to define and declare the powers of said association.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organization of the Jefferson county Building and Loan Association heretofore effected by and under proceedings had in

the probate court of Jefferson county, Alabama, under the general laws of the State of Alabama as a building and loan association for the objects arid purposes and with the right and powers set forth in said proceedings namely: The accumulation of a fund from fixed periodical contributions of its stockholders, from rentals, premiums, interest on loans, and other sources, the fund so accumulated to be used for the purchase and sale of real estate, the building, renting and sale of dwellings, stores, and other buildings, and in making loans on mortgages of real estate, or on other security and for investment in United States Government bonds, and other approved securities in such mode as may be prescribed by the by-laws of said association, and all the lawful acts of said association thereunder done, as a building and loan association be, and the same are hereby in all respects ratified and confirmed.

Former acts ratified.

SEC. 2. Be it further enacted, That said association shall have and possess all the rights, powers privileges and immunities now conferred, or may hereafter be conferred by the general laws of the State upon building and loan associations incorporated under the general laws of this State, and all general laws applicable to building and loan associations incorporated under the general laws of this State shall be, and are hereby made applicable to said associations.

Approved Feb. 21, 1893.

No. 521.] AN ACT [s. 269.

To regulate the issue of garnishments by justices of the peace and notaries public, with same jurisdiction and powers of a justice of the peace, and proceedings thereon, when a demand owing for, or on account of, personal services rendered or to be rendered by the defendant is sought to be subjected by process of garnishment in the counties of Colbert and Franklin.

Section 1. Be it enacted by the General Assembly of Alabama, That any person desiring to sue out a writ of garnishment returnable before a justice of the peace or notary public with powers of a justice of the peace, seeking to subject a demand owing for or on account of personal services rendered, or to be rendered by the defendant as a laborer or employe, shall, in addition to the affidavit now required by law, make affidavit that the defendant has in writing waived his right of exemption, or right to claim the same as exempt under the laws of this State; Provided, the provisions of this act, shall not apply to garnishments for poll tax or other tax. Affidavit required.

SEC. 2. Be it further enacted, That on the trial of any case where it is found that such garnishment issued without a compliance with the provisions of the preceding sections in respect to such additional affidavit, such garnishment shall be of no effect, and any judgment rendered thereon shall be void. Void judgments.

SEC. 3. Be it further enacted, That on the trial of any case where there is a special affidavit as provided for in the preceding section, where defendant denies having waived his right of exemption and it is decided by the justice of the peace or notary public with powers of justice of the peace, trying the case, that the defendant did not waive his exemptions in writing, then said garnishment proceedings shall be dismissed and plaintiff taxed with the cost of same, if appeal is not taken in five days as provided by law. Dismissal of proceedings.

SEC. 4. Be it further enacted, That in all such garnishment proceedings, the plaintiff shall not recover

and judgment shall not be rendered for more costs than
Costs. damages, and where the garnishee is not indebted to the defendant, the cost of such garnishment shall be taxed against the plaintiff in the suit and shall not be taxed against the defendant in subsequent garnishment proceedings.

SEC. 5. Be it further enacted, That it shall be un-Magistrate not lawful for justices of the peace and notaries public
to act as pros- with same jurisdiction and powers of justices of the
ecutors. peace to act as prosecutors in cases where garnishments have been issued from, and made returnable to, their courts.

SEC. 6. Be it further enacted, That in all suits where
Fees. garnishments are issued to subject a demand owing for or on account of personal services rendered by the defendant, the fees in the garnishment proceedings in each case of the justice of the peace or notary public and constable shall not exceed one dollar each for all the papers issued and served by them, and in no case to exceed the amount of plaintiff's damages.

SEC. 7. Be it further enacted, That this act shall not
When to take take effect till ninety days after its passage.
effect. SEC. 8. Be it further enacted, That the provisions of this act shall only apply to the counties of Colbert and Franklin.

SEC. 9. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 21,1893.

No. 522.] AN ACT [s. 15.

To incorporate the Alien's Creek Coal Company.

Section 1. Be it enacted by the General Assembly of Alabama, That F. A. Gamble, J. B. Carrington, H. W.
Corporation. Long and their associates be, and they are, hereby constituted and created a body corporate, under the name and style of the Alien's Creek Coal Company, and by that name may sue and be sued, plead be impleaded, make and have a common seal, and break, alter and renew the same at pleasure; shall have con-

tinual succession, may contract and be contracted with, borrow money and execute notes, bonds or bills therefor, and shall have and exercise all the rights, privileges, powers and franchises in and by this act hereinafter conferred and granted, and as or may be necessary to carry out and effect the purposes of its incorporation, and that said incorporation may issue common and preferred stock.

SEC. 2. Be it further enacted, That the capital stock of said corporation is hereby fixed at the sum of one hundred thousand dollars; but the said corporation, by vote of its stockholders, shall have the right and power at any time after its organization to increase its capital stock from time to time as by its stockholders it may be determined and deemed essential for the uses and purposes of its incorporation; Provided, that the capital stock shall not be increased to an amount exceeding five million dollars. Capital.

SEC. 3. Be it further enacted, That the capital stock of said corporation shall be divided into shares of the par value of one hundred dollars, and in all meetings or conventions of the stockholders, each stockholder shall be entitled, either in person or by proxy, to cast one vote for each share of stock held or owned by him, and executors and administrators shall have the power to represent the shares belonging to their testators or intestates, and guardians to represent the shares belonging to their wards. Voting.

SEC. 4. Be it further enacted, That the persons named as incorporators in the first section of this act, or a majority of them, and such person or persons as shall join and become associated with them in the premises, shall meet at such time and place (in the State of Alabama) as they shall designate or appoint, and at such appointed time and place, shall proceed to take and receive subscriptions to the capital stock of said corporation, payable in such manner and at such times as may be determined and agreed on by and between them, and the party or parties who may desire and propose to take stock in said corporation, which business may be transacted or completed at subsequent adjourned meeting or meetings, as may be deemed necessary, if not completed at the first meeting. The subscriptions to said stock may be made Subscriptions.

payable in money or property, real or personal, or rights or franchises, as may be expressed in the contract therefor; and if made payable in property, at such value as may be agreed on by and between the subscribers, and if subscribed for before the corporation is organized, the said corporators, or a majority of them, or, if taken after the corporation is organized, as may be agreed on by a majority of the stockholders. The provisions of this section shall be equally applicable to any subscriptions for stock made or taken upon any increase of the capital stock of said corporation after its original organization, as well as at the time of its organization, or in payment of subscriptions, for the original amount of capital stock in the second section of this act named.

SEC. 5. Be it further enacted, That when as much as one hundred thousand dollars shall have been sub-
Organization. scribed, as authorized in the last preceding section, to the capital stock of said corporation, then at such time and place as may be determined by a majority in interest of the subscribers to said stock, there shall be a meeting of such subscribers for the purpose of organizing said corporation, by the election of a board of directors, to consist of not less than five nor more than ten members, who shall be elected from the subscribers to the stock, and thereupon the directors so elected, or a majority of them, shall elect, either from their number or from the stockholders of said corporation, as they may think best, a president; and they shall also elect a secretary and treasurer of said corporation, or they may elect one person as secretary and treasurer; and the election of such directors, and by them of a president and secretary and treasurer, shall constitute the organization of said corporation; Provided, that before such organization shall be perfected, there shall be paid to the treasurer of the company not less than one per cent. in cash upon the amount subscribed, in pursuance of the fourth section of this act, to the capital stock of the company. The directors, president, secretary and treasurer so elected shall continue in office until their successors are elected and shall qualify; the election of the successors of the directors to be at a subsequent convention of the stockholders, the time and place of holding which may

be fixed or designated by a by-law of said corporation which may be adopted by the board of directors, and of which time and place the stockholders shall have such notice as the board shall direct.

SEC. 6. Be it further enacted, That the purpose and object of said corporation shall be and is to mine coal, and to sell the same, and to manufacture coal into coke, and that said corporation shall have authority and power to buy, mine, and sell coal, and to produce, manufacture, buy and sell coke, and to buy and sell or lease, to acquire hold and possess all such coal lands, mineral rights in coal lands, timber rights, and other property, real or personal, easements and franchises, and to purchase, construct and operate all such railroads, tramways, buildings and structures as may be deemed needful and useful in carrying on its business permanently in the most efficient and advantageous manner, and to lay out, construct, purchase and use all such tramways, railways, or other roads or ways, as may be needful and convenient for the transportation of its coal, coke, products, materials and other things that may be required in its business; Provided, That the said corporation before constructing any such tramways, railways or other roads or ways, shall lawfully acquire the right of way therefor, and to that end, and for that purpose may use and exercise the right of ad quod damnum and institute and prosecute all such proceedings necessary thereto, upon the same terms and in the same way as is prescribed by the code of Alabama. The corporation shall have all the rights, powers, privileges and franchises which may properly pertain to it as a mining, quarrying and manufacturing corporation, under title one, part two, chapter five and chapter twelve of the code of Alabama of 1886, and the additions and amendments thereto, and under any other laws or parts of laws of the State of Albama; and shall exercise any and all of such rights and powers, privileges and franchises, when and in such manner as may be necessary and proper for carrying out its object and business.

General purposes.

Powers, &c.

SEC. 7. Be it further enacted, That the business of said corporation may be carried on in the counties of Jefferson and Walker, and that said corporation shall have its principal office or place of business at Birmingham, in Jefferson county; and that said corporation may

Offices.

also have an office or place of business, with an agent or other employee, in the city of New York, for the purpose of there transferring the stock of said company, and otherwise registering its acts and contracts, as may be deemed essential.

SEC. 8. Be it further enacted, That said corporation by and with the consent of the persons holding the larger amount in value of the stock thereof, given in person or by proxy, either at a meeting of said stockholders first held for the organization of said corporation, under and in accordance with section 5 of this act, or at any subsequent meeting of said stock holders, duly and legally called for that purpose by the board of directors, shall have the power, and authority is hereby given to it, to execute and issue its bonds for such sums and in such amounts, and payable at such time or times as the said stockholders may determine, and bearing such rate of interest, not exceeding eight per cent. per annum, as the said stockholders may deem best; and to secure the payment of said bonds and the interest thereon, the said corporation is hereby authorized and empowered to execute in its corporate name, a mortgage or deed of trust, to be signed and countersigned by the president and secretary, under the seal of said corporation ; and the said corporation is hereby authorized and empowered to sell and dispose of its said bonds for the purpose of raising money, or for the purchase of property, or for any other purpose necessary to said corporation, as the directors may think best, on such terms as the said board of directors may deem best for the company.

Bonds.

SEC. 9. Be it further enacted, That there shall be annual meetings or conventions of the stockholders of said corporation, at the principal office thereof, or at such other place as the stockholders may prescribe, for the election of directors, and for the transaction of such other business relating to the interests of the corporation, as such stockholders, when so assembled, may deem necessary or proper; of the time and place of holding such conventions, such notice shall be given to the stockholders, as may be prescribed by by-laws or otherwise, or as may be directed by the board of directors, on omission of the stockholders to prescribe; but no omission or failure to hold any such convention within the time prescribed, shall have the effect to cause a dissolution of such corpo-

Meetings.

ration, or the forfeiture of any of its rights, privileges, powers or franchises. It shall require a representation of as much as three-fifths of the stock held or owned in said corporation, by the stockholders in person or by proxy, to form a convention competent to transact business binding on the corporation or its stockholders. After the organization of the corporation, the number of directors shall continue as provided in the fifth section of this act, until otherwise provided by said corporation, which shall have the power to increase or diminish the number, as to it shall seem best. A majority of the board of directors shall constitute a quorum for the transaction of any business which they are or may be authorized to transact. Said corporation, acting by its stockholders in convention shall have power to enact or ordain all such rules and by-laws, not contrary to the constitution or laws of this State, or of the United States, as may be deemed needful and proper for the management and conduct of its affairs and business, and for the transfer of stock by its stockholders.

Directors.

SEC. 10. Be it further enacted, That after the organization of said corporation, by and with the consent of the persons holding the larger amount in value of its stock, first obtained at a meeting of the stockholders convened for the purpose of voting upon the proposition, to be held after thirty days notice given in pursuance of law, the said corporation shall have the right to increase its capital stock, and to take and receive additional subscriptions to its capital stock, and in doing so, may, if it may deem proper and advantageous, receive such additional subscriptions payable in whole or in part in property, real or personal, or rights or franchises, as subscriptions to its original stock are payable, as provided in this act; and may take and receive such subscriptions in the same manner from either individuals or corporations, engaged in the business of mining, or producing, or manufacturing, iron or steel, or coal, or any of these products, and may take and receive proper conveyances for such property, in payment for such subscriptions.

Increase of capital.

SEC. 11. Be it further enacted, That the said corporation is authorized to constitute and continue an

agency or agencies outside of this State, for the transfer
Agencies. of the shares of its capital stock, and to enact all by-laws necessary to provide for the transfer of such shares at such agency or agencies.

Approved February 21, 1893.

No. 523.] AN ACT [s. 168.

To amend sub-division 6 of section 795 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That sub-division 6 of section 795 of the code of Alabama, be amended to read as follows:

6. To employ at his own expense a clerk for whose official acts he is responsible, and such clerk shall have the following powers:

(1.) To issue letters testamentary of administration
General duties and guardianship where there is no contest.

(2.) To administer oaths relating to the business of the court, and take and certify acknowledgments and proofs of instruments authorized to be recorded.

(3.) To solemnize matrimony, approve bonds and appoint guardians ad litem.

(4.) To admit wills to probate and record, and to pass and allow accounts of guardians and administrators where there is no contest.

(5.) To do all other acts and things, and perform all other duties, ministerial and judicial, where there is no contest, that the judge of probate could do and perform, except to hear and grant writs of habeas corpus and writs of certiorari; and such clerk must before he
Bond of clerk. enters upon his duties take the oath directed to be taken by the officers of this State, and give bond with surety payable to the judge of probate in such sum, not exceeding ten thousand dollars, as he may prescribe, upon which bond such clerk shall be liable to such judge, in consequence of any act of such clerk or misfeasance or malfeasance of such clerk in the duties of his office;

provided, that provisions of this bill do not apply to the county of St. Clair; provided that the provisions of this act shall not apply to the county of Cherokee.

Approved February 21, 1893.

No. 824.] AN ACT [s. 574.

To authorize the governor to procure certified copies of all muster rolls of Alabama State troops enlisted in the Cherokee, Creek and Seminole Indian war.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the governor be and is hereby authorized to procure from the war department at the city of Washington a correct and certified copy of the muster rolls of Alabama troops, who were enlisted in the Cherokee, Creek and Seminole Indian wars, and to file the same in the archives of the State. The governor shall be authorized to pay out of the contingent fund of his office all expenses incurred in procuring said certified copy of the muster rolls.

Approved February 21, 1893.

No. 525.] AN ACT [s.563.

To authorize the town of Eutaw to borrow money, by the issuance of new bonds, for the purpose of refunding and paying the bonded indebtedness of said town.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the town of Eutaw, in the State of Alabama, by its corporate authorities be, and is hereby authorized and empowered to cause to be prepared and issued bonds of the town of Eutaw, not exceeding in the aggregate three thousand and two hundred dollars, said bonds to be issued for the sum of one hundred dollars each; said bonds shall be signed by the mayor

Amount and description of bonds.

and countersigned by the treasurer of said town, and shall have attached thereto interest coupons, signed and numbered to correspond with the bond, and setting forth the amount of interest which will be due at the time named in said coupon. Said bonds shall bear interest at the rate of six per centum per annum, payable annually. The mayor of said town shall keep a book of registration, in which he shall keep the number, description and amount of all bonds issued by him under the provisions of this act; and he shall issue said bonds on the order only of the mayor and aldermen of said town. Said bonds shall be issued to run for a period of thirty years before maturity; Provided, the corporate authorities of said town shall have the privilege and authority to call in and redeem any of said bonds before their maturity, after five years from the date of their issue upon payment of the principal and interest then due. These bonds and coupons, when due, and at any time thereafter, shall be received, when presented, at their par value, in payment of all dues to said town, and for all taxes levied for the use thereof.

Sale of bonds.

SEC. 2. Be it further enacted, That the bonds issued under the provisions of this act may be sold by the corporate authorities of said town, and the proceeds arising from the sale thereof shall not be used for any other purpose than to pay off and to discharge the bonds now outstanding against said town, and which were issued under the provisions of an act of the General Assembly of Alabama, approved on February 26th, 1881, and it shall be the duty of the mayor and aldermen of said town to guard this section.

Tax to pay bonds.

SEC. 8. Be it further enacted, That the mayor and aldermen of said town shall have power, and it is hereby made their duty, to levy from time to time for each and every year, within the constitutional provisions of one-half of one per centum per annum for taxation, a sufficient tax to pay at maturity all interest and principal of said bonds that may become due, which tax is not to be included in the ordinary expenses of said town, and it is made the duty of the mayor and aldermen of said town to see that the money so arising shall be appro-

priated to the payment of the principal and interest of said bonds; Provided, that the total property tax levied by the mayor and aldermen of said town in any one year shall not exceed one-half of one per centum per annum of the value of such property as assessed for State taxation during the preceding year.

SEC. 4. Be it further enacted, That the mayor and aldermen of said town be authorized to allow all just and reasonable expenses incurred in carrying out the provisions of this act as proper claims against said town. Expenses.

Approved Feb. 21, 1893.

No. 526.] AN ACT [s. 392.

To authorize the judge of the ninth judicial circuit to direct when a grand jury shall be drawn, summoned and impanelled, in the circuit court of Etowah county.

Section 1. Be it enacted by the General Assembly of Alabama, That hereafter no grand jury shall be drawn, summoned or impanelled in the circuit court of Etowah county, unless in the opinion of the presiding judge, a grand jury should be impanelled.

SEC. 2. Be it further enacted, That if at any time in the opinion of the judge holding the circuit court of said county the grand jury should be drawn, summoned and empanelled at the next term of said court, he shall make an order to that effect, and cause the same to be entered on the minutes of the court, and unless such order is so made and entered, the officer whose duty it is to draw and summon such grand jury, for said circuit court, will not do so; Provided, however, that nothing in this act, shall prevent the presiding judge of such court in term time, to cause a grand jury to be impanelled for such court, as now provided for by law in cases where no grand juries have been drawn, or in cases where the venire is quashed. Order of judge

Approved Feb. 21, 1893.

No. 527.] AN ACT [s.458 ½ .

To confer additional jurisdiction upon the county court of Cleburne county and to regulate proceedings therein.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county court of Cleburne shall have
Jurisdiction. jurisdiction of all misdemeanors committed in said county, and shall have concurrently with the circuit court jurisdiction of all civil matters and suits in which the amount involved at the beginning of the suit does not exceed five hundred dollars and is not less than fifty dollars; Provided, said court shall not have jurisdiction in ejectment suits or in suits of trespass to try titles to real estate.

SEC. 2. Be it further enacted, That at the next term of the circuit court of said county it shall be the duty of
Transfer of causes. the presiding judge thereof, upon the day of adjournment of said court, to make an order upon the minutes of said court directing and requiring the clerk of said circuit court to deliver to the judge of said county court all indictments then pending and untried in said circuit court against persons charged with the commission of misdemeanors, together with all papers and a certified copy of all docket entries and minutes of proceedings had therein in said circuit court, and upon the transfer and delivery of the same the jurisdiction of said circuit court shall cease, and exclusive jurisdiction thereof shall vest in said county court.

SEC. 3. Be it further enacted, That prosecutions may be instituted or commenced in said county court as is now
Prosecutions. provided by law for county courts, to be thereafter subject to the provisions of this act, and the forms now prescribed by law for county courts, shall be sufficient in said courts, and justices of the peace in said county may issue warrants of arrests returnable before said court, and on preliminary trial had before them may bind over parties charged with misdemeanors committed in said county to said court, and such persons shall be tried in said court in the same manner as if prosecutions had been commenced against them in said court.

SEC. 4. Be it further enacted, That all indictments for misdemeanors that may herafter be preferred by the

grand jury of said county must be returned to the clerk of the circuit court of said county to the judge of said county court, and by the clerk of said county court filed in said county court and process shall be issued by the clerk of said county court, and all such proceedings had in such causes as is now had in the circuit court except as may be herein provided. Indictments.

SEC. 5. Be it further enacted, That said county court shall conform to the rules of practice and proceedings of circuit courts of this state, except as herein provided. Rules of practice.

SEC. 6. Be it further enacted, That said court shall hold regular terms on the third Monday in each month, and may continue in session until all the business of said court is disposed of. The regular terms in February, May, August and November of each year shall be the terms for the trial of all civil causes, and of those criminal cases in which juries may have been demanded; Provided, said court shall always be open for the trial of persons confined in jail and not demanding a jury, or those who may desire a trial as is now provided by-law; Provided, that in all civil suits commenced in said court the plaintiff shall, if he desire a jury trial, make demand in writing for a jury trial, at the time of filling his complaint, and if the plaintiff does not make such demand at the time of filing his complaint, and the defendant desires a jury trial, he shall make a demand therefor in writing at the time of filing his pleas, and if demand is not made as hereinbefore directed, the parties shall be considered as having waived trial by jury, and the cause shall be tried by the court without the intervention of a jury. Terms. Jury trials.

SEC. 7. Be it further enacted, That every person charged either by complaint or indictment with the commission of a misdemeanor shall be entitled to a trial by jury; Provided, such person makes a demand therefor on or before the first day of the next regular term of said county court, after he is arrested or taken in custody ; And provided, further, that any person so arrested or taken in custody, within three days of the next regular term of said court, shall have until the cause is called for trial to demand a jury trial. Misdemeanor trials.

SEC. 8. Be it further enacted, That whenever a jury trial is demanded in any criminal cause pending in said court as provided in section (7) seven of this act the

judge of said court must make an order continuing the cause to the next jury term of said court, and make an order fixing bail and allowing the defendant or defendants to give bail for their appearance at such jury term, and from such term to term thereafter until discharged by law, and on failure to give such bail they must be confined in the county jail until discharged, unless they sooner give such bail, and such judge may bind over the witnesses to appear at such term to which said cause is continued, and from such term to term thereafter until such cause is disposed of.

Bail.

SEC. 9. Be it further enacted, That the petit juries for each jury term of said court shall consist of two panels of eight men each, and shall be drawn and empanelled in the same manner and by the same officers as juries in the circuit court are drawn and empanelled under the general jury law of this State. And venires for such jurors shall be issued and executed in the same manner as for the circuit court under the general jury law of this State, and said county court shall have the same powers to issue special venires and call in tales jurors as the circuit court has under the general law of this State, except so far as is otherwise provided by this act; Provided, the jurors empaneled for each jury term shall serve for the entire term unless excused by the court; Provided, in the trial of criminal cases the State shall be entitled to two preemptory challenges and the defendant three, and in civil cases each party shall be entitled to three preemptory challenges; Provided, that service as jurors in the county court shall be no cause of exemption or disqualification from service in the circuit court as jurors.

Juries.

SEC. 10. Be it further enacted, That all laws of a general nature now in force or that may hereafter be enacted as far as the same apply to misdemeanors unless the contrary be expressly provided, or as may be limited by this act be held to apply and extend to said court.

Laws applicable.

SEC. 11. Be it further enacted, That there may be a temporary adjournment of said court as may be deemed expedient and proper by the judge thereof.

Temporary adjournment.

SEC. 12. Be it further enacted, That if the judge of said court fail to open said court on the first day of any regular term by three o'clock p. m., that the sheriff must adjourn the court from day to day for not more than

If judge fails to attend.

three days, at the end of which, time, if the judge still fails to attend the court shall stand adjourned until the next regular term.

Special jury terms.

SEC. 13. Be it further enacted, That the judge of said court may call a special jury. term whenever he deems it necessary, twenty days notice of such term must be given for publication in some newspaper published in said county.

Appeals.

SEC. 14. Be it further enacted, That all appeals from said county court shall be to the supreme court of the State of Alabama, and that the laws now in force, or that may be hereafter enacted, governing or applying to appeals from the circuit courts of this State, shall apply to appeals from said county court.

Two or more warrants.

SEC. 15. Be it further enacted, That whenever two or more warrants or capiases have been issued from said court, and the defendant has not been arrested thereon the courts may order said warrants and the indictments upon which said capiases have been issued to be withdrawn and filed and at any time thereafter alias warrants and capiases may issue in said causes and the cause proceed and be tried as if alias warrants and capiases had regularly issued returnable to each term of said court.

Issuance of warrants.

SEC. 16. Be it further enacted, That in the issuance of warrants the judge of said court shall have the same discretion to be exercised in the same manner as is now given to grand juries in this State in finding bills of indictment for misdemeanors; Provided, if the person applying for the warrant will endorse his name on the warrant as prosecutor then the judge cannot exercise his discretion.

Solicitor.

SEC. 17. Be it further enacted, That the solicitor of the judicial circuit in which said county of Cleburne is or may hereafter be shall be the prosecuting officer before said county court, and all laws now applying to his duties as such officer of the circuit court so far as the same are applicable, shall apply to said county court, and his fees in said county court shall be the same as in the circuit court; Provided, that the solicitor may appoint a deputy to represent him id the said county court, who shall be a resident practicing attorney of said county, and the appointment of such deputy solicitor shall be certified by the solicitor to the judge of said county court; And provided further, that such deputy solicitor shall be entitled

to all the solicitors fees taxed and collected in said court until he shall have received the amount of five hundred dollars per annum, but in no case shall he receive more than said sum of five hundred dollars per annum, and all the solicitors fees taxed and collected in said court in excess of said sum of five hundred per annum shall be disposed of as solicitors fees are disposed of under the general laws of this State.

SEC. 18. Be it further enacted, That the clerk of the circuit court of said county shall be ex-officio clerk of said county court, and shall receive the same fees, to be paid in the same manner, as is now or may hereafter be allowed to clerks of the circuit courts of this State, and he shall perform all clerical acts connected with said court.

Clerk.

SEC. 19. Be it further enacted, That the fees of the judge of said court shall be the same as is now provided for judges of the county courts of this State, to be collected and paid to the county treasurer of Oleburne county, that the fees of the sheriff shall be the same as is now or may hereafter be allowed in the circuit court; that the fees of jurors shall be one dollar and fifty cents for each day's attendance, and of witnesses seventy five cents for each day's attendance, and each shall be entitled to the same mileage as is allowed in the circuit court, such fees and mileage to be paid as now provided by law in the circuit court. That in each case in which the defendent is convicted or pleads guilty, or the costs is taxed against the prosecutor, a fee of five dollars shall be taxed for the use of the county to be collected and paid over as is now provided by law in the county courts; Provided, that in every civil suit commenced in or transferred to said county court there shall be taxed up in the bill of costs a fee of three dollars as county judge fee, and said fee shall be collected as now provided by law for the collection of costs in civil suits in the circuit court and when collected must be paid to the county treasurer.

Fees of judge.

Other fees.

SEC. 20. Be it further enacted, That in all appeals from justices courts the appeal may be taken to the county court and when taken to said court must be

Appeals to county court.

tried as appeals are now required to be tried in the circuit court.

SEC. 21. Be it further enacted, That said county court shall be a court of record, and all executions issued on judgments obtained in said court shall be a lien on all property of the defendant from the time the same is placed in the hands of the sheriff, the same as executions on judgments in the circuit court, and the clerk must issue executions on judgments rendered in said court within five days from the adjournment of the court at the term the judgment was rendered, unless otherwise directed by the plaintiff or his attorney of record, and all executions shall be returnable at the next succeeding jury term, unless the execution is issued within twenty days of said jury term, in which case it shall be returnable to the second succeeding jury term, and sales of property real or personal shall be made by the sheriff as such sales are made under executions from the circuit court and the sheriff must execute titles to the purchaser to all real estate sold by him under such executions the same as now provided in like cases in the circuit court. Judgments and executions

SEC. 22. Be it further enacted, That the clerk of said county court shall have power and authority to issue attachments returnable to said county court, in all cases within the jurisdiction of said court where such powers is conferred on clerks of the circuit court. Attachments.

SEC. 23. Be it further enacted, That for failure to issue executions within the time prescribed by this act, and for the failure to perform any other duty required under this act, the clerk of said court shall be liable to the same penalties as in case of failure to perform like duties by clerks of circuit courts, to be recovered by them in the same manner as of clerks of the circuit courts for like causes. And the sheriff shall be liable to the same penalties for failure to perform any duty in regard to any cause or matter in said court, the same as in the circuit court to be proceeded against in the same manner as in the circuit court. Liability of clerk and sheriff.

SEC. 24. Be it further enacted, That whenever the judge of said court from any cause is incompetent to

try any cause pending in said court, the parties to such cause may by agreement entered of record in such cause, select some attorney practicing in said county

Special judge. who may sit as a special judge to try said cause, and his acts in said cause as such judge shall be valid and binding upon the parties as though he were judge of said court; Provided, if the parties to said cause shall fail to select such special judge by such agreement, the judge of said court shall certify such fact on the record in said cause, and shall appoint some such attorney, who is competent to try such cause, who may sit as a special judge to try the same as though he had been selected by agreement of the parties as hereinbefore provided.

SEC. 25. Be it further enacted, That the judge of said county court shall have power and authority to

Certiorari. issue attachments in all cases in which the judges of the circuit court have that power, returnable into the circuit court or into said county court. He shall also have power and authority to grant writs of certiorari either statutory or common law returnable into the circuit court of Cleburne county or into said county court.

SEC. 26. Be it further enacted, That all laws applicable to suits in the circuit court and not inconsistant with the provisions of this act shall be applicable to suits

Pleadings. in the county court; Provided, pleas or demurrers must be filed in civil cases on the first day of the first term after service of the summons and complaint; Provided, the same shall have been served on the defendant ten days prior to the first day of such term; if the same shall not have been served for ten days as above provided, then on the first day of the second term after such service, and any civil suit in said court shall stand for trial on demurrers, and for the purpose of settling the pleadings in said cause whenever the same may be reached at any regular term of said court; Provided, no civil cause pending in said court shall stand for trial upon the merits except at a regular jury term of said court;

Provided further, that whenever a judgment is rendered in said court at any other than a regular jury

term, overruling or sustaining demurrers, the judge of said court shall prescribe the time within which subsequent pleadings shall be filed, but if said judge shall fail to prescribe any time for such subsequent pleadings, they shall in any event be filed by the first day of the next term of said court; Provided, at any jury terms of said court the rules of the circuit court for filing amendments and additional pleas or demurrers after judgment on demurrers shall prevail so far as the same are applicable.

SEC. 27. Be it further enacted, That all civil causes pending in said county court shall stand for trial at the first regular jury term, or at any special jury term of said court, if the defendant or defendants have been served with the summons and complaint for ten days prior to the first day of such term, as in cases of attachment where the service is by publication whenever the publication has been perfected, for ten days prior to the first day of said term, but in case such service has not been had or perfected ten days prior to the first day of such term of said court, then said cause shall stand for trial at the next succeeding regular jury term of said court, or at any special jury term thereof called as hereinbefore directed; Provided, all civil suits are triable and at issue at any subsequent jury term, regular or special, if service is perfected as above directed ten days before the first day of said term.

When suits triable.

SEC. 28. Be it further enacted, That on the last day of the first regular term of the circuit court of, Cleburne county, after the passage of this act, the judge of said circuit court shall, on the motion of the plaintiff in any civil cause therein pending, wherein the amount in controversy does not exceed the jurisdiction of said county court, make an order for the transfer of said cause to said county court as hereinbefore provided for the transfer of criminal cases to said court, and upon said transfer being made the jurisdiction of the said county court in such cause shall attach and become exclusive the same as if said suit bad been originally begun in said county court.

Transfer of civil cases.

SEC. 29. Be it further enacted, That the judge of

said court shall be paid a salary of four hundred dol-
Salary of judge lars per annum, to be paid quarterly by the county treasurer of said county out of the general fund of said county, and all fees taxed and collected in said court as judge's fees shall be paid to the county treasurer of said county and become part of the general fund of said county.

SEC. 30. Be it further enacted, That on the fail-
Hard labor. ure of any person convicted of any misdemeanor in said county court to pay or secure the fine and costs as now prescribed by law in cases of convictions in the circuit court, the judge of said county court shall have full power to sentence such person to hard labor for the county for such fine and costs as judges of the circuit courts of this State now have.

Approved Feb. 21, 1893.

No. 528.] AN ACT [H. B. 1036

To authorize the court of county commissioners of Jefferson county to issue bonds of said county to an amount not exceeding thirty-five thousand dollars, for the purpose of building and furnishing a criminal court house near to and in the same block with and in addition to the present court house of said county.

Section 1. Be it enacted by the General Assembly of Alabama, That in order to provide the means to build and furnish a criminal court house near to and in the same block in addition to the present court house for
Amount of bonds. Jefferson county, the court of county commissioners of said county are hereby authorized and empowered in their discretion to issue bonds of said county of Jefferson to an amount not exceeding thirty five thousand dollars, or as much thereof as they may deem necessary for the purposes aforesaid, and payable at such time or times as said court may agree upon, not exceeding forty years from date of issuance, with coupons attached bearing interest at a rate not exceeding eight per cent. per annum, and receivable in payment of all county taxes.

SEC. 2. Be it further enacted, That the bonds and coupons issued under the provisions of this act may be made payable at such place as the court of county commissioners may direct, and shall be negotiable, and may be issued in such sum or sums as such court of county commissioners may deem best. Where payable.

SEC. 3. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall not be valid until the same shall have been signed by the county treasurer and countersigned by the judge of probate, and the seal of the county affixed thereto, and the county treasurer is required to keep a correct account of all bonds issued and disposed of under the provisions of this act. When valid.

SEC. 4. Be it further enacted, That the bonds issued in accordance of this act shall be exempt from county and city taxes. Non taxable.

SEC. 5. Be it further enacted, That the commissioners court of said county are hereby authorized to do any and all things authorized under the provisions of this act which may be necessary to carry out the powers granted by this act, either through themselves or any agent or agents duly appointed by them for that purpose at any term of said court, whether regular or special, and if done at special term of said court, its proceedings shall be valid to all intents and purposes as if done at a regular term, and no technical informality, irregularity, neglect or omission in the proceedings or records of said court shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper. Powers of court.

SEC. 6. Be it further enacted, That in order to meet the interest upon said bonds as it falls due, and the principal at maturity, the said court of county commissioners are hereby authorized and required, when necessary, to levy a special tax from time to time upon all properties, licenses and business subject to a State tax under the revenue laws of this State, situated or located within the limits of said county. Special tax.

SEC. 7. Be it further enacted, That all guardians and trustees are hereby authorized to invest the money of their wards and cestui qui trusts in the bonds to be issued under and in accordance with this act.

Approved February 21, 1893.

No. 529.] AN ACT [H. B. 248.

To incorporate the town of Pinckard, in the county of, Dale, and provide a government for the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the town of Pinckard, in the county of Dale, be, and the same is, hereby incorporated under the name of Pickard.

SEC. 2. Be it further enacted, That the corporate, Limits. limits of said town of Pinckard shall be one mile in any direction from the depot warehouse on the Alabama Midland Railroad.

SEC. 3. Be it further enacted, That the municipal government of said town shall be vested in a mayor and five aldermen, who shall be styled the mayor and aldermen of Pinckard, and by that name are hereby made a body, corporate. As such they shall have perpetual succession; shall have a common seal; may contract and be contracted, with, may sue and be sued, purchase, receive, hold, possess, sell and convey for the use of said town, real or personal estate of any kind; that said mayor and aldermen shall hold their offices for one year, or until their; successors are elected and qualified. They shall be free holders in said, town, not under twenty-two years of age, and shall have been bona fide residents of said corporation for three months preceding their election.

SEC. 4. Be it further enacted, That the first annual, election for mayor and aldermen of said town shall be When elections held. held on the first Thursday in April, 1893, and on the same day in each year thereafter. The voters at said election shall be bona fide residents of said town, and who are otherwise qualified to vote for members of the general assembly, and who, if required, shall make oath to, the said qualifications.

SEC. 5. Be it further enacted, That said election shall be held in said town, and that any two citizens who shall be freeholders, or one citizen a free holder, and one justice of the peace or notary public may hold and manage Conducting elections. said election. The polls shall be opened at 10 o'clock a. m., and closed at 4 o'clock p. m. Said managers shall take the oath required by the statutes of this State of all managers of elections held for State and county officers; shall receive and count the votes cast at said election;

shall keep the two lists of persons voting at such election, and two tally sheets, and shall deposit at the close of the election one list of voters and one tally sheet, both certified to being true and correct, in the office of the clerk of council, to be by him kept for inspection; also, when said managers have finished the count, they shall give to the persons receiving the highest number of votes cast certificates, under their hand and seal, of election of mayor or aldermen, as the case may be.

SEC. 6. Be it further enacted, That the mayor and each alderman, before entering on the duties of his office, shall be required to take and subscribe the following oath: "I do solemnly swear that I will well and truly perform the duties of mayor (or alderman, as the case may be) of the town of Pinckard as in my judgment will best promote the general welfare of the inhabitants of said town, and the common interest thereof, and in accordance with the laws governing the same, so help me God." Oath of office.

SEC. 7. Be it further enacted, That said mayor and aldermen, at their first meeting after being elected and qualified, shall have the power to elect a clerk, who may be treasurer, and also power to elect a marshal. They shall have the power to fix the compensation of such officers, their term of office, require such security for the faithful performance of duty, to prescribe the powers and define the duties of such clerk and marshal, and to adopt and enforce all such rules and regulations as may be essential to their own goverment as mayor and aldermen. Other officers.

SEC. 8. Be it further enacted, That the said mayor and aldermen may elect one of their number mayor pro tempore, who shall have authority to discharge the duties of mayor whenever from sickness, absence from town or other cause, the mayor is unable or fails to act, or during any vacancy in the office of mayor. Mayor pro tem.

SEC. 9. Be it further enacted, That the said mayor and aldermen shall have power within said town, to lay off, establish, vacate, alter, improve and keep in good order and repair, the streets, roads, alleys and sidewalks for the use of the public and citizens of said town, to establish and regulate markets, to prevent injury or annoyance to The public or individuals from any thing dangerous, offensive or unwholesome, to prevent hogs, horses, cattle, sheep, General powers.

goats or other animals from going at large in said town; to regulate the keeping of gunpowder or other combustibles; to have charge of the cemeteries of said town for the purpose of keeping them in good order and preservation; to protect the property of persons, citizens of said town from injury, to preserve peace and good order, and for this purpose to appoint, when necessary, a police force to assist the marshal in the discharge of his duties; to provide a revenue for said town by levying a tax on property situated in said town, which tax shall not in any year exceed one half of one per cent of the value of said property, and such specific taxes only as are herein distinctly set forth, all said taxes levied to be in accordance with the constitution and laws of this State. And to ascertain the value of property in said town for the purpose of taxation, said mayor and aldermen shall have power to appoint three assessors, bona fide residents of said town, to serve one year, whose duties shall be as defined by said mayor and aldermen, and in accordance with the powers conferred by this act; Provided, that expenditures of money and labor performed shall be for general benefit and public improvement of the town.

SEC. 10. Be it further enacted, That in order to carry into effect all the powers hereinbefore enumerated and by this act conferred upon said corporation and said mayor and aldermen, the said mayor and aldermen shall have power to make and pass all needful or-

Rules and by-laws. ders, by-laws, ordinances, rules and regulations not contrary to the constitution and laws of this State, and impose, prescribe and exact reasonable fines, penalties and imprisonments in the county jail of the county, or such other place as the corporate authorities may provide, for a violation of the same or any part thereof; Provided, however, no penalty for such violation shall exceed a fine of fifty dollars in amount, or imprisonment for more than twenty days, except as hereinafter provided; and it shall be lawful for the purpose of enforcing said ordinances of said town, in lieu of fine or imprisonment, said penalty may be to work on the streets of said town not to exceed twenty (20) days at any one time for one penalty; Provided, that the corporate authorities alone shall be liable for the jail fees of all persons confined therein for violation of town laws. And provided, further, that the jailor shall not be compelled to receive any prisoner sen-

tenced under the provisions of this act, until satisfactory arrangements have been made by the corporate authorities for the payment of the jail fees; Provided, the rights of appeal to council and the courts is hereby given.

SEC. 11. Be it further enacted, That said mayor and aldermen shall have complete control of the manufacturing and wholesaling and retailing of spirituous, vinous and] malt liquors within said town; Provided, the license for retailing said liquors shall not be less than one hundred dollars per annum; And, provided, that no license shall be issued for less than one year, and all bonds taken from persons applying for license shall contain a waiver of all homestead and exemption rights, and such bondsmen and their securities are actual and bona fide possessors of the amount fixed in said bond, over and above all debts, liabilities and exemptions allowed by the laws of the State, and who, upon signing said bond, will make affidavit to their pecuniary qualifications as aforesaid; Provided, nothing herein contained shall be construed to apply to wines or beer made from grapes, berries and fruits grown in and around said town. Liquor sales.

SEC. 12. Be it further enacted, That all male citizens of said town not under eighteen years of age, nor over forty-five years of age, are hereby made liable to road and street duty, and shall, if required by council, work not exceeding six days in any one year by himself or an accepted substitute (to be judged by the mayor) on the streets, roads, sidewalks or alleys of said town, under the direction of such superintendent of street work as the council may appoint, or he may be relieved from such work on the payment of three (3) dollars to said council as commutation street tax, and all funds arising from such source, or in the matter of streets shall be applied only to the repairs of streets, sidewalks, alleys and the improvement of the same. Street work.

SEC. 13. Be it further enacted, That the mayor shall be the chief executive officer of said town; he shall preside at all meetings of the council, and in case of a tie, give the deciding vote; he shall preside at all the police courts, and shall hear and determine the same, and upon trial of offenders, he shall punish by such fine, imprisonment or both, as in his discretion shall seem just, or in lieu of fine or imprisonment, he may sentence such offenders to work on the streets, and in case of fine being im- Duties of mayor.

posed, said mayor shall have power to enter up judgment against the offender for the amount of the fine imposed, or for taxes assessed and unpaid, and cost of proceedings; and it shall be the duty of clerk of council to issue execution thereon, directed to the marshal of Pinckard, and all and singular the constables of this State, which execution shall bear test in the name of the mayor, and may be levied upon any property, of the defendant in this State, subject by law to levy and sale, and the same laws, rules and regulations which govern constables sales in this State shall govern marshal and constables sales made under the provisions of this act.

SEC. 14. Be it further enacted, That within the corporate limits of said town, said mayor or acting mayor shall be ex officio justice of the peace for the purpose of administering oaths and attesting papers under his seal, and for issuing warrants for offenses committed in said town against the State or individuals, and shall have power to sit as a court of inquiry and of binding or committing to jail the offenders, to appear before any court having jurisdiction of the same; that said mayor, sitting as a judge of the police court, or as a court of inquiry, shall have power to punish for a contempt by a fine not to exceed ten dollars, or imprisonment not to exceed five (5) days.

Jurisdiction of mayor.

SEC. 15. Be it further enacted, That the question of extending the limits of said town, at. any time, shall be submitted to the people within the corporate limits of said town of Pinckard, to be included, and if a majority of the qualified voters resident therein, shall vote for said extension, the same may be made.

Extending limits.

SEC. 16. Be it further enacted, That this act shall take effect and be in force from and after its passage, and all laws and parts of laws in conflict herewith are hereby repealed.

Approved February 21, 1893.

No. 530.] AN ACT [H. B. 731.

To ratify and confirm the organization of Farmers' Alliance Ware House company, at Sylacauga, and to incorporate the same.

Section 1. Be it enacted by the General Assembly of Alabama, That the organization of the Farmers' Alliance "Ware House company at Sylacauga, a corporation attempted to be organized under the general laws of Alabama, by a declaration in writing, filed on the 16th day of August, 1888, and recorded in the office of the judge of probate in and for Talladega county, State of Alabama, be and the same is in all things ratified and confirmed, and the Farmers' Alliance Ware House company be, and it is hereby declared to be a body corporate for the purposes and with the rights and powers in said declaration set forth. Charter ratified.

SEC. 2. Be it further enacted, That the said Farmers' Alliance Ware House company shall have the power to contract, hold, sell, convey or otherwise acquire or dispoee of real or personal property, to sue and be sued; to have a common seal; and to exercise all the rights, powers and privileges, and franchises, and to do and perform all the acts, matters and things, which said company may lawfully do and exercise in the premises in the prosecution of the purposes thereof. General powers.

SEC. 3. Be it further enacted, That the said Ware House company may increase the capital stock of said company to five thousand dollars, or to any less sum than that, and greater than its present capital stock, to-wit : Two thousand dollars, upon and by a vote of two thirds in value of the stock represented at any annual meeting thereof, or at a called meeting thereof, held for that purpose, after twenty (20) days notice by a publication in a newspaper published in the county of Talladega, said publication to give time, place and specific object of said meeting. Capital.

SEC. 4. Be it further enacted, That all persons who are now, or may hereafter become stockholders of said Ware House company, shall only be liable for the amount of their subscription to the capital stock of said corporation and no more. Liability of stockholders.

SEO. 5. Be it further enacted, That said corporation, by

its board of directors shall have power and authority to adopt and establish such rules, by-laws and regulations as may be deemed necessary for the management of the affairs of said corporation and not in conflict with the constitution and laws, of the State of Alabama and of the United States.

Rules, &c.

SEC. 6. Be it further enacted, That R. J. Thomas as president, J. W. Cooper, secretary, and O. P. Looney, treasurer, who are the present board of directors, are hereby declared to be the board of directors and officers of said corporation until their successors are duly elected and qualified; and all acts done, contracts made, and business transacted by said corporation through its board of directors, are hereby legalized and confirmed.

Board of directors.

Approved Feb. 21,1893.

JOINT RESOLUTIONS

AND MEMORIALS.

No.1] JOINT MEMORIAL

To congress in reference to the construction of Nicarauga canal.

The joint memorial of the senate and house of representatives of the State of Alabama, in general assembly convened, to the senate and house of representatives of the United States of America in congress assembled, respectfully shows unto your honorable bodies:

1. That the construction of the Nicarauga canal would greatly benefit the State of Alabama, by opening up new markets for her agricultural products, notably cotton, and for her mineral products, particularly iron, steel and coal. That it would increase her sales of lumber and ship stores, and by making the gulf of Mexico the highway for the trade and commerce of the world, would stimulate the growth of her gulf ports and the development of all her resources.

2. That the entire Mississippi valley, including the lake ports, would feel the beneficial influence of practically another mouth to the great river, opening into the Pacific ocean.

3. That the Atlantic seacoast will reap benefit by the shortening of the distances to our Pacific coast and to the east, enabling it better to compete with Europe for the Pacific ocean trade, and stimulating its ship building and shipping interests.

4. That our Pacific coast states would find every industry, and source of prosperity, stimulated by lower freights and closer connection with the central and eastern states, so that it would seem that our whole country is interested in the construction of this great highway, for the commerce of the world.

5. That the strategic importance of this canal is such, that the government of the United States should secure its absolute control.

6. That the canal company having expended some $6,000,000, estimates the entire cost of construction of the canal at $100,000,000 and seeks the aid of the United States government in raising the sum.

7. That judging from the revenue accruing to the Suez canal, it would be safe to expect this greater work to pay a good dividend on the amount invested.

8. For these reasons, your memorialists earnestly urge that such measures be adopted, as will, in your wisdom, best secure the speedy construction of this canal, and its control by the United States government.

Resolved, That the governor of this State, be requested to furnish a copy of this memorial to each of our senators and representatives in congress.

Approved December 3, 1892.

No. 2.] JOINT RESOLUTION.

WHEREAS, charges have been made that the Memphis and Charleston and the Louisville and Nashville railroad companies have made and are now making unjust and illegal discriminations in freight charges on said railroads. Therefore,

Resolved, (the Senate concurring), that a committee of three, two from the House and one from the Senate, be appointed to act during the recess, to investigate without expense to the State, the illegal discrimination in freight charges of said railroads, and report to this house on re-assembling after the recess. Said committee is also instructed to ascertain at same time, whether similar causes exist in other parts of the State, if they can do so without expense.

Approved December 10th, 1892.

No. 3.] JOINT RESOLUTION.

Resolved by the House (the Senate concurring), that the general assembly of Alabama hereby pledges itself to raise the tax rate to such a sum as will meet all the obli-

gations of the State of Alabama and keep the faith and credit of the State unimpaired.

Approved December 12, 1892.

No. 4.] JOINT RESOLUTION.

Providing for the appointment of a joint committee to consider the advisability and practicability of re-districting the several judicial circuits in this State.

Be it resolved by the Senate (the House concurring), That a committee, of eighteen (18) be appointed, six (6) on the part of the Senate and twelve (12) on the part of the House, to whom shall, be referred the advisability, practicability of re-districting the judicial circuits of this State, so as to create a new district; or by some means to provide relief for those counties in Alabama whose necessities for more courts are satisfactorily shown said committee.

Resolved 2nd, That after the appointment of this committee during the remaining days of the term before recess, if they should deem it necessary, and from day to day after the two houses shall have convened after recess, they shall consider this matter unless they shall sooner report by bill or otherwise, some acceptable provision affording the relief.

Approved December 12th, 1892.

No. 5.] JOINT RESOLUTION.

Resolved, by the House (the Senate concurring), That the secretary of State be authorized to now address circulars, as provided in section 14 of the act to provide for the public printing of the State, approved February 28th, 1889, inviting bids for the printing therein mentioned, which bids shall be opened on the 20th day of December, 1892, and that thereupon the board shall proceed to act in all respects as though such circulars had been issued in the month of October.

Approved December 12th, 1892.

No. 6.] JOINT RESOLUTION.

WHEREAS, the general assembly is about to take a recess, and will not reconvene until the 19th of January, 1893, and has not determined what increase it will make in the licenses required to be taken out by law, and which, under the present law are payable on the first of January, 1893, therefore

Resolved, by the House (the Senate concurring), that the auditor be directed to insert in all licenses for 1893, as one of the conditions thereof, that such license is subject to such increased rate as may be imposed by law during the present fiscal year, and that upon failure of the holder of such license to pay within thirty days after the passage of such law, any further amount which may be due under it for such license, that the holder thereof shall be liable to be proceeded against for thereafter carrying on such business or occupation as though no license had issued, but if there is any increase then any party who has taken out license, not desiring to pay the increase, may surrender the license and receive back a pro rata amount of the license they have paid.

Approved December 12th, 1892.

No. 7.] JOINT RESOLUTION

Asking congress to grant to Alabama for educational purposes certain odd forty-acre tracts of government land.

WHEREAS, Many odd forty-acre tracts of land in this State, belonging to the United States government, which are held for homestead and pre-emption entry, remain unappropriated under said laws, alone and isolated from other lands of the government that are subject to homestead or pre emption entry; and

WHEREAS, It is probable that these odd forties will not be settled upon for many years, if at all;

Be it resolved by the House, the Senate concurring, That the Congress of the United States be memorialized to grant all the odd forty-acre tracts that are isolated from other government lands subject to entry or pre-emption

under the homestead laws, to the State of Alabama, to be used for educational purposes, as the State may by law provide, or as the congress shall direct.

Be it further resolved, That the governor of Alabama be requested to furnish a copy of this joint resolution to each of our senators and representatives in congess.

Approved January 24th, 1893.

No. 8.] JOINT RESOLUTION

To authorize the payment of the per diem and mileage of A. C. Townsend, seated on contest, as a representative from Pike county.

Resolved by the House, the Senate concurring. That the speaker of the House of Representatives shall certify to the auditor the amount of compensation due to A. C. Townsend, as a representative from Pike county, including per diem from the beginning of the session (except during the recess), and mileage for twice coming to and returning from the seat of government; and the auditor shall draw his warrant therefor on the treasurer.

Approved February 2nd, 1898.

No. 9.] JOINT RESOLUTION

Proposing amendment to Section 2, of Article XI, of the Constitution of the State of Alabama.

SECTION 1. Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the following proposed amendment to the Constitution of the State of Alabama be submitted to the people of said State for their consideration at the next general election for representatives, which, when agreed to by a majority of all the citizens of said State voting for representatives at such election, shall be valid to all intents and purposes as part of the Constitution of the State of Alabama, to-wit: That Section 2, of Article XI, of the Constitution, which reads as

follows: Section 2. No power to levy taxes shall be delegated to individuals or private corporations; be amended so as to read as follows: Section 2. No power to levy taxes shall be delegated to individuals or private corporations; Provided, that the general assembly may confer upon the trustees of the school districts in this State the power to levy within their districts a special tax of not more than one-fourth of one per centum, to be applied exclusively to maintaining the public schools in the districts in which said tax is levied; Provided, that the money collected from persons of the white race may by law be applied exclusively to the education of children of the white race; and the money collected from persons of the colored race, may by law be applied exclusively to the education of the children of the colored race.

SEC. 2. Be it further resolved, That it shall be the duty of the several sheriffs and other officers charged by the law with the superintendence and returning-of the votes of the next general election for representatives, to open a poll for the vote of the qualified electors on said proposed amendment, said sheriff or other returning officer to make a return of said vote to the secretary of state within the time and in the manner prescribed by law for the making up and forwarding to the secretary of state of the vote for representatives at such election.

SEC. 3. Be it further resolved, That the vote at said election on said proposed amendment shall be by ballot; the ballot to be a plain piece of white paper of the size and description now provided by law for the ballot cast at general elections, and have printed or written, or partly printed and partly written upon it, those for said proposed amendment "For school amendment," and those against it, "Against school amendment."

SEC. 4. Be it further resolved, That for a breach in the performance of the duties herein prescribed, the sheriff or other officer charged with the superintendence of said election, shall forfeit the sum of five hundred dollars, to be sued for and recovered as in cases of other forfeitures by public, officers to the State; and it is hereby made the duty of the secretary of state, within, sixty days after the said general election,.

to notify the several solicitors of the failure of such sheriff or other officer.

SEC. 5. Be it further resolved, That if it shall appear from said returns that a majority of all the qualified electors of the State who voted at such election, voted in favor of the proposed amendment, the secretary of state shall immediately certify such result to the governor, that he may make it known by proclamation, as provided by the constitution.

SEC. 6. Be it further resolved, That the secretary of state shall cause this resolution to be published in one newspaper at the seat of government, and a newspaper published in each of the cities of Mobile, Eufaula, Selma, Birmingham and Huntsville, in said State, at least three months before the nest general election for representatives.

No. 10.] JOINT RESOLUTION.

Resolved, That the General Assembly of Alabama commends to Mr. Cleveland's consideration Mr. Hilary A. Herbert, a distinguished gentleman, whom all our people honor as a man and trust as a leader, a man who, in all the relations of life, has won the esteem, the confidence and the affection of the great mass of Alabamians; one whom the people have delighted to follow through many years, and whose wise counsel has done much for the well-being of the State, his potent voice being always raised for right and truth and progress.

Resolved further, That the president-elect be assured that any honor which he might be pleased to confer upon Mr. Herbert would be accepted by the people as a distinction to a wise and upright man, and a distinction conferred upon the State of Alabama.

Resolved further, That the governor of the State be requested to transmit to Mr. Cleveland a copy of these resolutions, signed by the president of the senate and the speaker of the house, and that the governor assure Mr. Cleveland of the respect and admiration of the general assembly of Alabama.

Approved February 4, 1893.

No. 11.] JOINT RESOLUTION.

Of respect to the memory of Hon. L. Q. C. Lamar.

WHEREAS, we have heard with profound sorrow of the death of Justice L. Q. C. Lamar.

WHEREAS, Justice Lamar by his honorable life, exalted character and eminent services has endeared his memory to the people of this State.

WHEREAS, his name and fame are the property of the entire country, and will be long remembered by a grateful and admiring people.

WHEREAS, his splendid services as a statesman and upright conduct as a jurist have illustrated the very highest type of manhood; therefore,

Be it resolved by the Senate of Alabama, the House concurring. That the General Assembly of Alabama extend sincere condolence to the family of Justice Lamar in this hour of sad bereavement, and that a copy of this resolution be sent to his family by the secretary of the Senate and the clerk of the House.

Approved Feb. 6th, 1893.

No. 12.] JOINT RESOLUTION.

Memorial to congress for the donation of certain lands to the State for the benefit of the public schools of the State.

WHEREAS, the Congress of the United State passed an act, which was approved March 3rd, 1883, entitled "An Act to exclude the public lands in Alabama from the operation of the laws relating to mineral lands" which reads as follows: Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within the State of Alabama, all public lands, whether mineral or otherwise, shall be subjected to disposal only as agricultural lands; Provided however, that all lands which have heretofore been reported to the general land office as

containing coal and iron, shall first be offered at public sale; And provided further, that any bona fide entry under the provisions of the homestead law, of lands within said State heretofore made, may be patented without reference to promote the development of the mining resources of the United States," in cases where the persons making application for such patents, have in all other respects complied with the homestead law relating thereto."

AND WHEREAS, on October llth, 1883, proclamations were issued by the president of the United States for the sale of said lands under said act.

AND WHEREAS, the president did, on January 29th, 1884, by his letter to the secretary of the interior revoke said proclamation of sale

AND WHEREAS, on the 28th of November, 1885, president Cleveland issued his proclamation for sale of said lands, and afterwards on March 26th, 1886 issued an order indefinitely postponing said sales.

AND WHEREAS, the evidence upon which said sales was postponed contained in a report of the secretary of the interior which shows: First. That by concert of action among those who desire to buy, the lands would be sacrificed by being bid in at little if any more than minimum price. Second. That the sales would result in a monopoly of the mineral lands in Alabama, which would be held for higher prices and thus their development would be retarded. Third. Because a large number of poor persons who had settled upon the lands would be turned out of their homes.

AND WHEREAS, the following bill is now pending in the congress of the United States:

A BILL

To further provide for the disposal of certain public lands in the State of Alabama.

Be it enacted by the Senate and House of Representatives of the United States of America in congress assembled, That the proceeds of the sales of the public ands in the State of Alabama which are now subject to

sale and are required to be sold under the provisions of "An Act to exclude the public lands in Alabama from the operation of the laws relating to mineral lands," approved March 3rd, eighteen hundred and eighty three, and any rents, issues, and profits that may accrue therefrom under the provisions of this act, are hereby set apart to the State of Alabama, as a fund to be employed exclusively in promoting technical education in any school, college or university that the legislature of Alabama shall designate, in the branches of learning connected with the mining of coal and iron ore, and the production of iron and steel and the manufacture thereof, and, in the discretion of the legislature of Alabama, in the promotion of industrial education in that State. Said fund shall be under the control of the General Assembly of Alabama, and shall be applied and administered under the laws of said State.

SEC. 2. That the lands in said act mentioned shall be sold, in accordance with the provisions thereof, at such times and in such quantities and legal sub-divisions as may, from time to time, be designated by the governor of the State of Alabama, and the legislature of Alabama shall have authority to select and set apart any of said lands for the purpose of being leased to miners, the rental or royalty to be paid into the treasury of the State of Alabama for the purposes declared in the first section of this act, and the proceeds of any sales of said lands, made as herein provided, less the expenses of selling the same, shall, from time to time, be paid, under the direction of the secretary of the interior, to the proper officer of the State of Alabama authorized by law to receive and receipt for the same;

AND WHEREAS, the effect of said bill will not prevent the forming of trusts and syndicates to monopolize said lands if sold under said act now pending in Congress;

AND WHEREAS, the sum realized from such sales would be insignificant in comparison with the real value of said lands, perhaps not more than one tenth thereof;

AND WHEBEAS, the donation of said lands to the State of Alabama, if disposed of by sale or lease so as to realize their value, would realize a sum sufficient to establish and support such technical schools as are named

in said bill, and also add a very large amount to the funds for common public school purposes in Alabama, of which the children of the State stand in greater need now than ever before.

THEREFORE, be it resolved by the House of Representatives of the State of Alabama, the Senate concurring: First. That the Congress of the United States of America are requested and urged to amend or substitute for the bill now pending in congress, a bill to provide that said lands may be donated to the State of Alabama, to be sold from time to time by the State, at a price not less than ten dollars per acre, or leased on royalty or otherwise, at a sum not less than ten cents per ton for coal or iron ore; and that the sums so realized be divided between the schools now named in said act and the common public schools of the State. The common public schools of the State taking ninety per cent thereof, and the schools named in said bill to take the remainder. Second. That said act hereby requested contain provisions that will most certainly throw around these lands and the proceeds thereof, safe-guards such as will assure from them the largest sums possible, and the most certain application of the same to the purposes herein named.

Approved February 10th, 1893.

No. 13.] JOINT RESOLUTION.

Recognizing the Golden Rod as the national flower.

Resolved, By the House of Representatives, the Senate concurring, that the wild flower, known as the Golden Rod, is hereby recognized as the national flower of the United States of America.

Approved February 18, 1893.

No. 14.] JOINT RESOLUTION.

Commending General Joseph Wheeler to president Cleveland as a suitable person to be appointed Secretary of Agriculture.

Recognizing the eminent ability of General Joseph Wheeler, and his fitness for the office of Secretary of Agriculture.

Be it resolved by the House, the Senate concurring, that the General Assembly of Alabama endorse this distinguished Alabamian as one entirely worthy of any honor that could be conferred on him, and respectfully petition President Cleveland to appoint him to the position of Secretary of Agriculture.

Approved February 16th, 1893.

No. 15.] JOINT RESOLUTION.

A joint resolution instructing our senators and requesting our representatives in congress to use their best efforts to have a law passed directing the United States government to pay into the treasury of Alabama the cotton tax paid by the people of Alabama into the treasury of the United States on cotton grown in this State, the same, when so paid into the treasury of Alabama, to be used alone in the interest of public schools in this State.

WHEREAS, in the treasury of the United States have been deposited many millions of dollars, levied and collected by the government from a tax on cotton produced in Alabama; and,

WHEREAS, the laws under which such taxes were levied and collected have been by the highest tribunal in the government declared unconstitutional; and,

WHEREAS, the government having indicated a willingness to restore said taxes to the persons from whom the same have been so illegally collected; and,

WHEREAS, it would now be very difficult to restore said taxes to such persons, because of the long lapse of

time since such collection were made, and on account of so many of such tax payers having died, leaving no legal representatives, and in many cases no next of kin to be found; now, therefore,

Be it resolved by the General Assembly of Alabama, That our senators in congress be requested, and our representative be instructed, to use their best efforts to secure such legislation in the congress of the United States as will cause all cotton taxes collected from the people of the State of Alabama under such federal laws as are held to be unconstitutional, to be paid by the United States government into the treasury of the State of Alabama, to be used by said State in the interest of public schools therein, and without distinction as to race, color or previous condition of servitude.

Be it further resolved, That the governor of Alabama be requested at once to send a copy of this preamble and resolutions to each senator and representative in congress from the State of Alabama.

Approved February 17, 1893.

No. 16.] JOINT RESOLUTION

Instructing our senators and requesting our representatives in congress to use their influence to have money appropriated to open Big Wills creek to navigation from Coosa river to the Alabama Great Southern railroad bridge, in Etowah county.

WHEREAS, Wills creek was, by act of Congress 18—, declared a public waterway, from its mouth to Morgan's mills, and was for many years navigated by steamboats and barges;

And whereas, said stream has become unnavigable by reason of large deposits of driftwood and by shoals formed by suction of matter from beneath such drifts;

And whereas, the opening of Wills creek to navigation would be of incalculable value to the country contiguous thereto, as also to the State at large; therefore,

Resolved by the Senate, the House concurring, That

our senators be instructed and representatives in congress be requested to use their earnest efforts to secure a donation of money from the Federal government to aid in cleaning, deepening and rendering navigable said Wills creek from the Coosa river to the railroad bridge at Attalla.

Approved February 17, 1893.

No. 17.] JOINT RESOLUTION

Returning thanks of General Assembly of Alabama to Hon. W. C. Oates for his services in securing favorable report from house committee at Washington, looking to a return of the cotton tax.

Resolved by the Senate, the House concurring, That the thanks of this General Assembly of Alabama are hereby tendered to Hon. W. C. Oates, the distinguished representative in Congress from the third congressional district, for his courageous conduct in securing from house committee, at Washington, a favorable report looking towards refunding to the cotton States the cotton tax unjustly and unconstitutionally collected since the late war.

Resolved further, That the governor be requested to transmit a copy of these resolutions to Colonel Oates.

Approved February 17, 1893.

No. 18.] JOINT RESOLUTION

Authorizing the secretary of State to supply the office of the attorney-general with missing volumes of the Alabama Reports.

Resolved by the House of Reresentatives, the Senate concurring, That the secretary of State be and he is hereby authorized to furnish to the office of the attorney-general one copy each of such volumes of the Alabama Reports that may be on hand, so far as may be necessary to complete the set of Reports in said office.

Approved February 21, 1893.

OFFICE OF SECRETARY OF STATE, }
MONTGOMERY, ALA., April 6, 1893. }

I hereby certify that the foregoing Acts, Memorials, arid Resolutions are correct copies of the original rolls now on file in my office.

J. D. BARRON,
Secretary of State.

INDEX TO GENERAL LAWS.

ADVERSE POSSESSION OF LAND— PAGE.
reguiring parties claiming to give notice..... 478

AGRICULTURAL DEPARTMENT—
to amend section 7 of act establishing..... 865

AGRICULTURAL AND MECHANICAL COLLEGE—
governor to appoint trustees from 7th and 9th congressional districts..... 674

ALABAMA-BRICE INSANE HOSPITAL—
to incorporate..... 344

ALABAMA INSTITUTE FOR THE DEAF—
authorized to sell certain lauds..... 957

ANIMALS—
to provide for destroying abandoned, diseased or injured..... 218

APPEALS—
from courts of probate and equity on partial or annual settlements of estates..... 233

APPROPRIATIONS—
for ordinary expenses of executive, legislative and judicial departments of the State, for interest on the public debt, and for public schools..... 184
for repairing and refurnishing the capitol building. 585
for encampment of Alabama State Troops..... 654
for the two and three per cent fund..... 704
for clerk of State Board of Health..... 765
for articles purchased for the use of the general assembly 707
to pay certain rewards for absconding felons, earned during fiscal year 1892..... 810
to pay for additional clerical assistance in office of superintendent of education..... 1094

APPOPRIATIONS— Continued.
to refund license money to James M. Stafford, of DeKalb county..... 905
to refund to A. F. Wilson money paid into State treasury for purchase of certain lands in Elmore county..... 903
to refund to N. E. Young money paid into State treasury for purchase of lands in Clarke county. 891
for the relief of J. W. Crossley, sr., tax collector of Bullock county..... 564
to refund license money to Davy C. Case, of DeKalb county..... 722
for the relief of L. P. Gibson, tax assessor of Winston county..... 686
to compensate Lee Lancaster, of Etowah county, for confinement in the penitentiary..... 484
to refund license money to Leonard Lewis, of Marshall county..... 686
for the relief of R. S. McWhorter, late tax collector of Lowndes county..... 762
for the relief of John V. Susginer and J. F. Susginer, money paid into the State treasury for the purchase of lands..... 885
for the relief of John H. Stinson, tax commissioner of Pickens county-..... 1096
for the relief of Ormond Somerville, for special services as solicitor of Tuscaloosa county..... 676

ATTACHMENT BONDS—
to authorize suit on..... 141
BANKERS, FIRMS AND CORPORATIONS—
to prevent taking deposits when in failing condition.. 94
BONDED DEBT OF THE STATE—
to consolidate and ad just..... 919
BOOMS, BULKHEADS, PILE OF PILES—
to prevent use of without consent of owner..... 1120
BUILDING AND LOAN ASSOCIATIONS—
to regulate..... 665
CAPITOL BUILDING—
to provide for repairing and refurnishing..... 580

CODE—
Sections amended—Civil.
122 and 123—payment of interest on the bonded indebtedness of the State..... 238
127, subdivision 5, reports of attorney general.... 852
141, license on fertilizer tags..... 112
463, tax assessors commissions..... 659
529, tax collectors commissions..... 659
535, tax collectors appointments..... 308
611, redemption of lands. 8
629, sub division 6, distillers license..... 71
629, sub-division 28, dealers in pistols license... 183
629, sub-division 31, peddlers license..... 613
730, register to certify failure of chancellor to attend court..... 190
795, sub-division 6, authority of clerk of probate courts.....1190
959, payment for services of county superintendent of education..... 833
1095, clothing for indigent pupils..... 943
1319, to repeal an act to amend, approved Dec. 11, 1890, so far as the same relates to the town of Louisville in Barbour county..... 41
1398.road precincts..... 780
1399. term of apportioners and overseers-..... 71
1464, to prevent deposit of dead animals in running streams..... 107
1525, powers of corporations..... 7
1582, condemnation of railroad crossings..... 93
1656, navigation companies..... 305
2720, suit by and between mortgagee and mortgagor..... 1127
3007, burden of proof on plaintiff in execution..... 85
3171, 3178, 3183, judge directs action to be brought 789
3216, condemnation of lands..... 462
3220, condemnation of lands..... 570

CRIMINAL CODE-
3869, malicious injury to animals..... 183
4140, discounting notes, drafts, &c..... 244
4620, convicts sentenced on two or more convictions 84
4840, proceedings by attorney general..... 677

CLERKS IN PROBATE COURT—
discharge ministerial duties..... 143

COLOR BLINDNESS—
act of February 28, 1887, repealed..... 72

COMMISSIONER OF AGRICULTURE—
term of office..... 1091

CONFEDERATE SOLDIERS—
for relief of..... 230
to extend act for relief of..... 761

CONVICT SYSTEM-
government and maintenance of penitentiary and prisons 194
disposition, discipline and instruction of convicts.... 204
the labor of convicts..... 208
county convicts..... 213
general rules and principles..... 216

CONSTITUTION—
amendment to section 7, article II..... 882

CORPORATIONS—
to pay license fee for doing business in the State.. 690

COUNTY OFFICERS—
terms of office fixed..... 1091

ELECTIONS—
to regulate contests of..... 468
to regulate in the State..... 837

EXECUTIONS AND ATTACHMENTS—
against holders of shares in capital stock of corporations 688

EXECUTORS AND ADMINISTRATORS—
filing claims against estates..... 133

EXPRESS COMPANIES—
required to pay a privilege tax to the State..... 693

FRAUDS—
to prevent being perpetrated by directors and officers of corporations on stock or bond holders..... 24

FACTORIES—
to encourage the building of in Alabama..... 855

GOVERNOR—
to appoint trustees for the agricultural and mechanical college, from 7 and 9 congressional districts.... 674
to appoint an inspector of mines..... 607
to appoint an inspector and three deputy inspectors of oysters..... 518
to appoint a trustee for the University of Alabama from the 9th congressional district..... 22
to commence proceedings to vacate the charter of the Selma and Pensacola railroad, formerly known as the Selma and Gulf railroad unless completed in two years..... 697
to negotiate tot consolidation and adjustment of the bonded indebtedness of the State..... 919
to procure certified copies of muster rolls of Alabama State troops enlisted in the Cherokee, Creek and Seminole war..... 1191
to forward copy of memorial to senators and representatives in congress in relation to Nicarauga canal. 1211
to forward to Mr. Cleveland copy of Joint Resolution, endorsing Mr. Hilary A. Herbert..... 1217
to send copy of Joint Resolution to senators and representatives in congress, in relation to payment of cotton tax, to be used for school purposes..... 1222
to send copy of Joint Resolution to Hon. W. C. Oates, returning thanks to him for securing favorable report from House committee at Washington, as to return of cotton tax..... 1224

HABEAS CORPUS—
to provide for in certain cases..... 106

HOMESTEADS—
to vest title in the widow or minor children..... 138

HOTEL AND BOARDING HOUSE KEEPEES—
to provide for the protection of..... 1089

INSPECTION OF MINES—-
probate court to grant order for..... 831
to amend an act creating..... 607

INSURANCE COMPANIES—
to regulate the taxation of..... 692

JOINT MEMORIAL—
to congress in reference to the Construction of Nicarauga canal..... 1211

JOINT RESOLUTIONS—
authorizing joint committee to investigate during the recess: as to whether unjust discriminations in freight charges have been made by the Memphis and Charleston and the Louisville and Nashville railroad companies..... 1212
to raise the tax rate to meet the obligations of the State of Alabama..... 1212
authorizing joint committee to consider the advisability of re-districting the judicial circuits in this State 1213
authorizing the secretary of state to invite bids for public printing..... 1213
directing the auditor to insert in all licenses for 1893, that such license is subject to such increased rate as may be imposed by law..... 1214
asking congress to grant to Alabama for educational purposes, certain odd forty-acre tracts of government land..... 1214
to authorize the payment of the per diem and mileage of A. C. Townsend, seated on contest, as a representative from Pike county..... 1215
proposing amendment to section two of article eleven of the constitution of the State of Alabama..... 1215
recommending to Mr. Cleveland's consideration Mr. Hilary A. Herbert..... 1217
of respect to the memory of Hon. L. Q. C. Lamar.. 1218
memorial to congress for the donation of certain lands to the State for the benefit of the public schools of the State..... 1218
recognizing the golden rod as the national flower..... 1221
commending General Joseph Wheeler to President Cleveland as a suitable person to be appointed Secretary of Agriculture..... 1222

JOINT RESOLUTIONS— Continued.
requesting our senators and representatives in congress to use their influence to have money appropriated to open Big Wills creek to navigation from Coosa river to the Alabama Great Southern railroad bridge in Etowah county..... 1223
thanking Hon. W. C. Oates for services in securing favorable report from house committee at Washington, looking to return of cotton tax..... 1224
authorizing the secretary of state to supply the office of the attorney-general with missing volumes of Alabama Reports..... 1224
JUDGES OF CIRCUIT COURTS—
to fix their terms of office..... 1091
JUDGES OF PROBATE—
to fix their terms of office..... 1091
JUDGES OF SUPREME COURT—
to fix their terms of office..... 1091
to provide for clerical assistance..... 1176
LABOR DAY—
Establishment of..... 93
LANDS—
parties claiming under adverse possession to give notice 478
when sold for taxes, for relief of purchasers..... 838
MARRIED WOMEN—
to relieve from disabilities of minority..... 966
MEDICAL ASSOCIATION OF ALABAMA—-
charter confirmed..... 267
MINERAL LANDS—
to dispose of certain rights in..... 637
MINING, QUARRYING AND MANUFACTURING CORPORATIONS—
to exercise powers granted by chapter 5, title I, part 2, of the Code..... 722
78

MINOR CHILDREN—
for the relief of indigent..... 244
OYSTERS—
to regulate taking of..... 27
to amend an act regulating taking of 518
PAWNBROKERS—
to regulate business of..... 1115
PHEASANTS, RINGNECKED—
for the protection of..... 819
POLL TAX—
tax collectors required to make consolidated report of collections 1090
PROBATE JUDGES—
to collect money on warrants drawn for needy confederate soldiers..... 265
to detine term of office..... 1091
PUBLICATION AGAINST UNKNOWN DEFENDANTS FOR PARTITION—
to provide for..... 689
PURCHASERS OF LANDS SOLD FOR TAXES—
for the relief of..... 833
RAILROADS—
to provide competent men in the transportation service in this State, on..... 559
RAILROAD COMMISSIONERS—
to regulate making annual reports of..... 854
REAL ESTATE—
to compel the determination of claims to..... 42
SECRETARY OF STATE—
to sell certain supreme court reports..... 235
SHERIFFS—
compensation for removal of prisoners..... 101
SCHOOL PRIVILEGES—
granted to persons paying local taxes..... 584

SELMA AND PENSACOLA RAILROAD—
to authorize and require the governor to commence proceedings to vacate the charter unless completed in two years..... 697
SLEEPING CAR COMPANIES—
to require them to pay license tax..... 616
SOLICITORS—
forfeiture for non attenance at court..... 86
to make reports to attorney general..... 679
to fix the pay of..... 918
STATE TROOPS—
appropriations for encampments..... 654
STATE OFFICERS—
to fix terms of office..... 1091
STATE SUPERINTENDENT OF EDUCATION—
as to making reports to the governor..... 1174
to provide for additional clerical assistance in office of. 1094
STATE WITNESSES IN CRIMINAL CASES.
to fix pay of..... 707
STREET RAILWAY AND ELECTRIC LIGHT COMPANIES—
to provide for consolidation of..... 684
SUPREME COURT JUDGES—
to provide clerical assistance for..... 1176
TAXES—
to levy for the use of the State..... 615
TAX COLLECTORS—
to make consolidated reports of collections of poll tax 1090
TELEPHONE COMPANIES—
to provide for taxation of..... 866
TWO AND THREE PER CENT. FUND—
to make appropriation of..... 704
UNKNOWN DEFENDANTS—
to provide for publication against..... 689
UNIVERSITY OF ALABAMA—
governor to appoint trustee from 9th congressional district..... 22

Blank Page

AFRO-ALABAMA COTTON MILL COMPANY— PAGE
to incorporate..... 236
AGRICULTURAL EXPERIMENT STATIONS—
To authorize the southeast Alabama experiment station to grant right of way over their lands to the Abbeville Southern Railway Company..... 132
to amend an act establishing the experiment stations at Athens and at Abbeville, approved Feb. 28, 1889 526
to establish an experiment station at Albertville, Lebanon or Springville, Alabama..... 695
to establish the southwest Alabama experiment station 749
ALABAMA COAL, IRON AND RAILROAD COMPANY—
to incorporate..... 1121
ALABAMA GRAND TRUNK RAILROAD COMPANY—
to confer additional rights and powers..... 52
ALABAMA HOME BUILDING AND LOAN ASSOCIATION—
to confirm and amend the charter..... 920
ALBERTVILLE, MARSHALL COUNTY—
to amend charter of..... 958

ALEXANDER CITY—
to amend act of incorporation..... 698
ALLENS CREEK COAL COMPANY—
to incorporate..... 1184
ALUMNI SOCIETY OF UNIVERSITY OF ALABAMA—
to incorporate..... 879
ANNISTON, CITY OF—
to amend the charter..... 39
to amend the charter..... 46

ANNISTON, CITY OF—Continued.
to repeal an act authorizing the issuance of Bonds, approved Feb. 6, 1891.... 72
to authorize the issuance of bonds..... 83
to amend an act establishing the city court, approved Feb. 25, 1889..... 334
ANNISTON—DANIEL TYLER HOSE COMPANY NO.1—
to incorporate.... 44
ANNISTON—MINING AND RAILWAY COMPANY—
to incorporate..... 784
ARAB, MARSHALL COUNTY—
to incorporate the town of..... 34
ASHFORD, HENRY COUNTY—
to establish a charter for the town of..... 728
ASHVILLE PRECINCT, ST. CLAIR COUNTY—
prohibition in..... 706
ATTALLA, ETOWAH COUNTY—
to define the meaning of act authorizing bonds to be issued..... 103
AUTAUGA COUNTY—
to prevent tying or staking stock on the public roads 71
to amend an act prohibiting the sale of liquors, approved February 16, 1889..... 15
BALDWIN COUNTY—
probate court, to authorize Louisa A. Carney to sell and dispose of lands and other property..... 589
to regulate the manner of electing county commissioners 219
to authorize the county commissioners to appropriate surplus funds in county treasury to public school fund of said county..... 969
prohibition within six miles of Bon Secour school house in..... 311
BARBOUR COUNTY—
act establishing Clio school district repealed.. 191
county court abolished..... 655
to fix the term of circuit court..... 780
prohibition within three miles of White Oak Methodist Episcopal Church, in Beat 5..... 876

BELCHER SCHOOL DISTRICT—
to repeal an act to establish..... 312
BENEDICTINE SOCIETY OF ALABAMA—
to confirm the organization of..... 254
BESSEMER, CITY OF—
to establish a new charter for..... 617
to provide for holding terms of circuit court..... 669
BESSEMER LAND AND IMPROVEMENT COMPANY—
to amend charter of..... 442
BIBB COUNTY—
to fix times of holding circuit courts in..... 444
to establish a separate School district..... 683
to prescribe manner of corporations using checks or due bills in..... 757
to regulate trials of misdemeanors..... 803
BIRMINGHAM NATIONAL GUARANTEE AND LOAN COMPANY—
to confirm the charter and acts of..... 3
BIRMINGHAM, POWDERLY & BESSEMER STREET RAILROAD COMPANY—
to authorize the purchasers to organize..... 439
BIRMINGHAM RAILWAY AND ELECTRIC COMPANY—
to amend the charter of..... 794
BIRMINGHAM RAILWAY, LIGHT AND POWER COMPANY—
to incorporate..... 857
BIRMINGHAM BUILDING AND LOAN ASSOCIATION—
to confer additional powers on..... 881
BIRMINGHAM AND JONES VALLEY RAILWAY COMPANY—
to enlarge the powers and privileges of..... 906
BIRMINGHAM, CITY OF—
to establish a board of commissioners of police..... 177
to authorize the issue of $150,000 of bonds,..... 191
to extend and enlarge the limits of..... 323

BLACK WARRIOR COAL, IRON AND STEEL COMPANY—
to incorporate..... 95
BLACKWOODS SCHOOL DISTRICT—
to create and define boundaries of..... 1178
BLOUNT COUNTY—
as to duties of tax collector..... 87
to provide for holding commissioners court in western division 102
to regulate terms of circuit court in western division. 141
to fix the fees for recording in probate office..... 190
to provide record books and stationery for..... 587
to change boundary line between Cullman and..... 766
to provide for support of public schools in..... 820
BON SECOUR SCHOOL HOUSE IN BALDWIN COUNTY—
prohibition within six miles of..... 311
BOWEN SCHOOL DISTRICT IN HENRY COUNTY—
to establish..... 318
BRIDGEPORT, CITY OF—
to amend the charter of..... 112
to establish city court in..... 970
BRUNDIDGE, TOWN OF—
to establish a charter for..... 708
BULLOCK COUNTY—
to provide for election of county commissioners..... 219
to repeal an act to regulate catching fish, &c..... 248
to amend the stock law in..... 480
to fix the time of holding circuit court in..... 780
to regulate the trials of misdemeanors in..... 835
BUTLER COUNTY—
to provide for election of county commissioners..... 219
to require the probate clerk to perform duties of clerk in county court of..... 327
to provide for elections on stock districts in..... 660
sureties on bond of W. H. Morris, to make settlement with treasurer..... 1120
CALDWELL, JOHN A—
to provide for partition of lands with 74

CALHOUN COUNTY—
as to Stock law..... 52
to assist in building a bridge across Terrapin creek, in Cherokee county..... 311
as to fees of bonded constables in..... 458
to regulate garnishments in..... 886
prohibition within six miles of Nace's Creek Methodist Church..... 876
Oxanna separate school districts..... 1102
to increase salary of treasurer..... 1126
CANTRELL, BERRY—
for the relief of..... 428
CAPITAL CITY INSURANCE COMPANY—
to confirm the incorporation of..... 326
CAEBON VALLEY COAL COMPANY—
to incorporate the..... 361
CARNEY, LOUISA A—
Authorized to sell and dispose of lands, &c..... 589
CARROLLTON TOWN OF—
to amend charter of..... 673
CASE, DAYY C.—
to refund license money to..... 722
CENTRAL CITY BUILDING AND LOAN ASSOCIATION—
to amend charter of..... 26
CENTRAL PRESBYTERIAN CHURCH OF MONTGOMERY—
to issue bonds for..... 253
CHAMBERS COUNTY—
to dispose of surplus fine and forfeiture fund.. 459
to provide for stock law in portions of..... 520
CHEROKEE MINERAL RAILROAD COMPANY—
to incorporate the..... 134
CHATTAHOOOHEE FIRE COMPANY—
to incorporate the..... 805

CHEROKEE COUNTY—
as to fees of bonded constables in..... 458
to compromise with sureties of Ellis Hale..... 600
to hold election for building bridge over Coosa river ... 1100
CHEWALLA COTTON MILLS—
to incorporate the..... 655
CHOCTAW COUNTY—
to increase the pay of county commissioners..... 218
to provide for election of county commissioners..... 219
to regulate practice in circuit court of..... 687
CLANTON, TOWN OF—
to establish charter for..... 735
CLARKE COUNTY—
to provide for indigent poor..... 74
to provide for permanent location of county site..... 220
to issue bonds for purpose of building a court house.. 321
to provide for terms of circuit court..... 806
to provide for drawing juries..... 812
CLAY COUNTY—
as to stock law..... 131
as to boundary line between Talladega and Clay counties 343
CLEBURNE COUNTY—
to fix the fees of bonded constables..... 458
to regulate garnishments in..... 886
to provide for additional jurisdiction of county court.. 1194
CLIO SCHOOL DISTRICT, IN BARBOUR COUNTY—
to repeal an act establishing..... 191
CLINTONVILLE ACADEMY, IN COFFEE COUNTY—
to incorporate the..... 604
COFFEE COUNTY—
to establish school district No. 4, in..... 322
to provide for terms of holding circuit court..... 780
prohibition in precinct No. 12..... 876
and within two miles of Clintonville Academy..... 876
COLBERT COUNTY—
to build macadamized roads..... 239
to legalize sale of certain school lot..... 906
to provide for stock law in..... 965

COLBERT COUNTY— Continued.
to regulate trials of misdemeanors..... 1090
to regulate garnishments..... 1183
COLLINSVILLE HIGH SCHOOL IN DEKALB COUNTY—
to incorporate the..... 758
COLUMBIAN COLLEGE—
to incorporate the..... 853
COMMERCIAL AND INDUSTRIAL ASSOCIATION OF MONTGOMERY—
to amend and confirm charter..... 1092
CONECUH GUARDS—
to incorporate..... 427
CONSTABLES—
to fix fees of in certain counties..... 458
COOSA COUNTY—
stock law amended..... 429
stock law amended..... 779
stock law amended..... 802
CORPORATIONS—

use of checks or due bills in certain cases..... 757

EDUCATIONAL.
Incorporated:—
Clintonville academy, Coffee county..... 604
Collinsville High School, DeKalb county-..... 758
Columbian College, Bangor, Blount county..... 853
McCall Educational Institute, Hoke's Bluff, Etowah county..... 269
North Alabama Baptist Collegiate Institute, Danville, Morgan county..... 770
Pine Apple Male and Female College, Wilcox county..... 583
Pollock Stephens Institute, near Birmingham, Ala 443
Rutherford Institute, at Pelham, Shelby county..... 250
Springville High School St Clair county..... 264
Troy Business College, Troy, Alabama..... 23
Tuskegee Normal and Industrial Institute 108 and 887

CORPORATIONS—Continued.
Charters amended—
Florence Synodical College..... 539
Springville Educational Institute..... 316

MUNICIPAL.
Incorporated:—
Arab, town of, Marshall county..... 34
Ashford, town of, Henry county..... 713
Brundidge, town of, Pike county..... 708
Clanton, town of, Chilton county..... 735
Columbia, town of, Henry county..... 1150
Guin, town of, Marion county..... 751
Headland, town of, Henry county..... 893
Heflin, town of, Cleburne county..... 53
Kinsey, town of, Henry county..... 867
Notasulga, town of, Macon county..... 309
Pinkard, town of, Dale county..... 1204
Rutledge, town of, Crenshaw county..... 530
Charters Repealed—
Larkinsville, town of, Jackson county..... 852
Charters Amended—
Albertville, town of, Marshall county..... 958
Alexander City, Tallapoosa county..... 698
Anniston, city of, Calhoun county .....39 and 46
Bridgeport, city of, Jackson county..... 112
Carrollton, town of, Pickens county..... 673
Decatur, city of, Morgan county..... 856
Demopolis, town of, Marengo county..... 272
Flint, town of, Morgan county..... 1128
Girard, town of, Lee county..... 944
Greensboro, town of, Hale county 523
Huntsville, city of, Madison county..... 673
Jacksonville, town of, Calhoun county..... 33
Louisville, town of, Barbour county..... 330
Luverne, town of, Crenshaw county..... 177
Mobile, port of, Mobile county..... 251
New Decatur, town of, Morgan county..... 319
Newton, town of, Dale county..... 1179
Northport, town of, Tuscaloosa county..... 304
Ozark, town of, Dale county..... 547
Piedmont, town of, Calhoun county..... 959
Prattville, town of, Autauga county..... 586
Selma, city of, Dallas county..... 480

CORPORATIONS—Continued.
Sheffield, city of, Colbert county..... 807
Springville, town of, St. Clair county;..... 76
Sylacauga, town of, Tuscaloosa county..... 9
Woodlawn, town of, Jefferson county..... 922
New Charters—
Bessemer, city of, Jefferson county..... 617
Montgomery, city of, Montgomery county..... 868
Sheffield, city- of, Colbert county..... 144

RAILROADS.

Incorporated.
Alabama Coal, Iron and Railroad company..... 1121
Anniston Mining and Railroad company..... 784
Birmingham Railway, Light and Power company..... 857
Gherokee Mining and Railroad company..... 134
Dauphin Island and Moss Point Railroad company..... 1097
Gadsden Coal, Iron and Railroad company..... 772
Mobile Light and Railway company..... 494
Mobile and West Alabama Railway company..... 505
Mobile and Spring Hill Railway company..... 570
Myrtlewood and Demopolis Railway company..... 867
Charters amended.
Alabama Grand Trunk Railroad..... 52
Birmingham, Powderly and Bessemer Street Railway company..... 439
Birmingham Railway and Electric company..... 794
Birmingham and Jones Valley Railroad company..... 906
Mobile and Dauphin Island Railroad company..... 26
Montgomery, Hayneville and Oamden Railroad company 705
Montgomery and Sylacauga Railroad company..... 85
Tredegar Mineral Railroad company..... 814

MISCELLANEOUS.

Incorporated.
Alumni Society of the University of Alabama..... 879
Black Warrior Coal, Iron and Steel company..... 95
Carbon Valley Coal company..... 361
Chattahoochee Fire company..... 805
Chewalla, Cotton Mills..... 655
Oonecnh Guards..... 427
Daniel Tyier Hose Company No. 1..... 44
Elyton company..... 460
Eufaula Investment and Security company..... 1105
Farmers Alliance Warehouse company at Sylacauga..... 1209

CORPORATIONS—Continued.
Jasper Electric Light and Power company..... 680
Mobile Workingmen's Timber and Cotton Association. 14
Montgomery Bridge company..... 328
North Alabama Coal and Mineral Company..... 960
Rescue Fire company..... 317
Tennessee River Bridge and Ferry company,..... 253
Tuscumbia Loan and Trust company..... 91
West Anniston Hose Company No. 4..... 109
Wilcox County Bank..... 88
Names changed.
Inter-State Abstract company of Mobile, to Southern Abstract and Guarantee company..... 464
Pratt Mines, to Pratt City..... 115
Southern Steel company, to be adopted..... 248
McCormick-Kendall Grocery company, to Eufaula Grocery company..... 930
Charters Amended-
Alabama Home Building and Loan Association..... 920
Benedictine Society of Alabama..... 254
Bessemer Land and Improvement Company..... 442
Birmingham National Guarantee and Loan Company. 3
Capital City Insurance Company..... 326
Central City Building and Loan Association..... 26
Commercial and Industrial Association of Montgomery..... 1092
Dallas Land Company. 835
Dallas Manufacturing Company..... 225
Decatur Land Company.....133 and 189
Electric Libration Company..... 552
Electric Lighting Company of Mobile..... 601
Elliott Car Company..... 593
Ensley Land Company..... 356
Galeton Cotton Mills..... 602
Komus Club..... 20
Lanett Cotton Mills..... 605
Mobile Transportation Company..... 13
McCormick-Kendall Grocery Company..... 930
News Publishing Company..... 257
Progress Electric Light and Motor Company..... 675
Sheffield City Company.....332-457
Sloss Iron and Steel Company..... 82
Southern Abstract Company..... 464
State Abstract Company..... 485

CORPORATIONS— Contiued.
Tennessee Coal, Iron and Railroad Company..... 454
Tallassee Falls Manufacturing Company..... 491
Vankirk Land and Construction Company..... 915
COVINGTON COUNTY—
to change boundary line between Crenshaw and..... 878
COURTS—
terms of circuit in third judicial circuit 779
in Clarke county..... 806
CRAWFORD BEAT, IN RUSSELL COUNTY—
to regulate sale of liquors..... 864
CRENSHAW COUNTY—
to vote on removal of court house..... 16
to change boundary line between Covington and.... 878
to select uniform series of standard school text books 932
prohibition within three miles of Friendship Baptist Church..... 876
CULLMAN COUNTY—
to fix fees for recording..... 190
to establish school district..... 521
to change boundary line between Blount and..... 766
DADEVILLE, CITY OF—
made separate school district..... 1116
DALE COUNTY—
to fix terms of circuit court..... 780
lien in favor of livery stable keepers..... 182
to create Blackwoods School District..... 1178
to amend charter of town of Newton..... 1179
DALLAS COUNTY—
to prevent tying or staking stock on public roads. 71
to regulate garnishments in..... 886
DALLAS MANUFACTURING COMPANY—
charter confirmed..... 225
to prohibit sales of liquor at..... 540
DALLAS LAND COMPANY—
to amend and ratify charter..... 835
DANIEL TYLER HOSE COMPANY—
to incorporate..... 44

DAUPHIN ISLAND AND MOSS POINT RAILROAD COMPANY—
to incorporate..... 1097
DAYTON, TOWN OF—
to provide for prohibition..... 675
DEAN, JOHN T.—
for relief of..... 760
DECATUR LAND & IMPROVEMENT COMPANY—
charter confirmed..... 138-189-856
DECATUR, CITY OF—
to amend act establishing..... 259
to establish roads in..... 453
DEKALB COUNTY—
to provide for election of county commissioners..... 219
to provide for support of public schools..... 312
manner of corporations using checks or due bills.... 757
to provide uniform series of school books..... 932
DEMOPOLIS, CITY OF—
charter amended..... 272
DEXTER AVENUE METHODIST EPISCOPAL CHURCH AT MONTGOMERY—
authorized to issue bonds..... 616
DOTHAN, TOWN OF—
to amend act authorizing town to negotiate a loan... 768
DOWLING, SHELLY D.—
declared lawful heir of John W. Dowling..... 272
EAST LAKE, JEFFERSON COUNTY—
created a separate school district..... 821
ELECTRIC LIGHTING COMPANY OF MOBILE—
powers of declared..... 601
ELECTRO LIBRATION COMPANY—
to amend charter..... 552
ELLIOTT CAR COMPANY—
charter confirmed..... 593
ELYTON COMPANY—
to incorporate..... 460

ELMORE COUNTY—
to amend stock law..... 429
ENSLEY LAND COMPANY—
charter confirmed..... 356
ESCAMBIA COUNTY—
to regulate the fine and forfeiture fund..... 4
to keep up public roads..... 445
to issue bonds for building bridge..... 791
to regulate garnishments..... 886
ETOWAH COUNTY—
to fix fees for recording in probate court..... 190
prohibition within four miles of Liberty Baptist church, and Young's Chapel Methodist church, and within three miles of Cave Spring Baptist church in Beat 11..... 876
to provide for empanelling grand juries..... 1193
EUFAULA INVESTMENT AND SECURITY COMPANY—
to incorporate..... 1105
EUTAW, TOWN OF—
to purchase land for school purposes..... 561
to issue bonds for erection of school buildings.. 562
to issue bonds.....1191
FAIEFIELD SCHOOL DISTRICT IN GENEVA COUNTY—
to establish..... 756
FARMERS' ALLIANCE WAREHOUSE COMPANY, AT SYLACAUGA—
to ratify, confirm and incorporate..... 1209
FAYETTE COUNTY—
to amend prohibition law..... 15
to provide for election of county commissioners. 219
to regulate fees of probate judge..... 317
to provide for taxing dogs..... 834
FLORENCE SYNODICAL COLLEGE—
to amend charter..... 539

FRANKLIN COUNTY—
to provide for protection of game, birds and fish..... 245
to issue bonds to pay for court-house..... 246
to repeal act regulating practice in civil cases..... 528
to fix fees of judge of county court..... 794
to provide for the collection of poll tax in Russellville. 930
to authorize deeds &c., to be recorded again..... 1149
to regulate issuance of garnishments..... 1183
GADSDEN COAL, IRON AND RAILROAD COMPANY—
to incorporate..... 772
GALETON COTTON MILL-
to confirm charter..... 602
GARNISHMENTS—
to regulate in certain counties..... 886
GENEVA COUNTY—
to repeal act regulating trials of misdemeanors..... 356
to fix terms of circuit court..... 780
lien in favor of livery stable keepers..... 182
GIRARD, TOWN OF—
to amend charter..... 944
GREENE COUNTY—
limits of certain school districts defined..... 179
to provide for working public roads..... 431
to establish school district in..... 553
GREENSBORO, TOWN OF—
to amend act of incorporation..... 523
GUIN, TOWN OF, MARION COUNTY—
to incorporate..... 751
GUNTERSVILLE BEAT, MARSHALL COUNTY—
prohibition law repealed..... 181
HALE COUNTY—
to provide for working public roads..... 13
to prevent trespass on lands..... 41
To establish stock districts 436-564
HALE, ELLIS—
Cherokee county, to compromise with sureties of..... 600

HARRELL, WILLIAM C.—
declared a citizen of Dallas county..... 253
HAMPTON SCHOOL DISTRICT IN MADISON COUNTY—
to establish..... 597
HAYNE SCHOOL DISTRICT IN LOWNDES COUNTY—
to establish..... 615
HEADLAND, TOWN OF, IN HENEY COUNTY—
to incorporate..... 893
HEFLIN, TOWN OF, IN CLEBURNE COUNTY—
to incorporate..... 53
HENRY COUNTY—
to fix the terms of circuit court..... 780
lien in favor of livery stable keepers..... 182
to incorporate the city of Columbia.....1150
prohibition, within three miles of Zada Church, Eama Church and Union Hill Chapel in precint two, and within five miles of Pleasant Grove Baptist Church in precinct nine..... 876
to establish Bowen School District 318
to create Blackwood's School District..... 1178
HILLSBORO, TOWN OF, IN LAWRENCE COUNTY—
prohibition law repealed..... 467
HOLLINS, TOWN OF, CLAY COUNTY—
to incorporate..... 1171
HUNTSVILLE, CITY OF—
to provide for license for liquor dealers outside city limits 463
to amend charter of..... 673
HUGHES, JOSEPH R.—
to authorize him as administrator to sell lands of estate of Miles J. Hughes..... 1177
INTERSTATE ABSTRACT COMPANY OF MOBIE—
to change name to Southern Abstract and and Guarantee Company..... 464

JACKSON COUNTY—
to provide for payment of State witnesses..... 926
prohibition, within limits of Carpenters precinct, and within four miles of Mount Nebo Church in precinct twenty-seven, and at Thompson's Camp Grounds or Holy Tree in Bishop's precinct, and within four miles of public school building in Bridgeport, and within five miles of Smith's Chapel. 876
Wallace, Mary O. and Lelia Morgan, minors, authorized to convey lands to W. D. Nicholson, in the town of Langston..... 449
JACKSONVILLE, TOWN OF—
to change and define corporate limits..... 33
JASPER ELECTRIC LIGHT AND POWER COMPANY
to incorporate..... 680
JEFFERSON COUNTY BUILDING AND LOAN ASSOCIATION—
charter confirmed..... 1181
JEFFERSON COUNTY—
to regulate terms of circuit courts..... 11
to amend prohibition law..... 15
to issue bonds for world's fair exhibits..... 113
to provide guards for jail..... 361
to regulate terms of Bessemer circuit courts.. 696
as to corporations using checks or due bills.. 757
to regulate gariashments..... 886
to issue bonds for building criminal court house..... 1202
to create the town of Thomas a separate school district 180
KINSEY, TOWN OF, HENRY COUNTY-
to incorporate..... 567
KIRKMAN, HUGH—
for relief of..... 559
KOLB, REUBEN—
for relief of..... 585
KOMUS CLUB-
incorporation confirmed..... 20

LAMAR COUNTY—
prohibition in beat twelve..... 315
to regulate payment of ex-officio fees..... 938
for protection of jail houses..... 1109
LANCASTER, LEE—
for relief of..... 484
LANETT COTTON MILLS—
incorporation confirmed..... 605
LANGHORN, JNO. M—
relief of..... 814
LARKINS VILLE, TOWN OF, JACKSON COUNTY—
charter repealed..... 852
LAUDERDALE COUNTY—
to provide for separate school districts..... 822
prohibition, within two miles of Green Hill church and school house, and within five miles of Canaan church and Woodland church..... 876
LAWRENCE COUNTY—
to fix fees of bonded constables..... 458
to permanently locate the seat of justice 1103
defining lawful fence..... 1111
LEE COUNTY—
to provide for term of tax collector..... 450
to provide for terms of circuit court..... 780
prohibition within three miles of Weeping Mary church in beat eight, and within three miles of Pierce Chapel in beat seven, and to repeal all prohibition laws within five miles of Pierce Chapel Methodist church in beat seven, so far as said laws relate to the territory within five miles of Pierce Chapel Methodist church..... 876
LEIGHTON, TOWN OF, LAWRENCE COUNTY—
to repeal prohibition law..... 87
LIMESTONE COUNTY—
to establish stock districts..... 221
to provide pay for superintendent of poor house..... 760
to amend act repealing certain sections of the code, as to 892
probate judge call special school board..... 932

LIMESTONE COUNTY— Contiued.
prohibition at first Presbyterian church..... 956
and within beat nine..... 876
LIVERY STABLE KEEPERS—
lien on stock in certain counties..... 182
LIVINGSTON, JAS. B-
relief of..... 647
LEWIS, LEONARD—
for relief of 686
LOWNDESBORO SCHOOL DISTRICT—
to establish..... 663
LOUISVILLE, TOWN OF, BARBOUR COUNTY—
to amend charter..... 330
To amend Section 1319 code, as to..... 41
LOWNDES COUNTY—
fine for violation of prohibition laws..... 12

tying or staking stock on public roads..... 71
to regulate pay of probate judge..... 81
to dispose of fees and commissions of probate judge... 81
fees for recording in probate office..... 190
LUVERNE, TOWN OF—
amend charter..... 177
MACON COUNTY—
to provide stock law in certain portions of..... 1110
to repeal an act for license tax on dogs..... 38
MAGNOLIA SCHOOL DISTRICT IN LOWNDES COUNTY—
to establish..... 812
MADISON COUNTY—
to establish Hampton School District in..... 597
to prescribe lawful fence..... 781
MARENGO COUNTY—
to provide for stock law in certain portions of..... 492
to regulate payment of claims against the fine and forfeiture fund of..... 557
to increase sixteenth section funds in township 15, range l, in..... 537

MARION COUNTY—
to provide for protection of fish in..... 107
to regulate the commissioners court in..... 306
to issue bonds to erect water works..... 342
prohibition within the town of Guin..... 877
MELVILLE SCHOOL DISTRICT, WINSTON COUNTY—
to establish..... 811
MOBILE BAY AND RIVER—
to regulate anchorage in..... 38
MOBILE & DAUPHIN ISLAND RAILROAD COMPANY-
charter amended..... 26
MOBILE LIGHT & RAILWAY COMPANY—
to incorporate..... 494
MOBILE, PORT OF—
amend act incorporating..... 251
MOBILE & SPRINGVILLE RAILWAY COMPANY—
to incorporate..... 670
MOBILE TRANSPORTATION COMPANY—
authorized to subscribe to capital stock of other companies 13
MOBILE AND WEST ALABAMA RAILROAD COMPANY-
to incorporate..... 505
MOBILE COUNTY—
to provide for compensation of probate judge..... 14
to incorporate Workingmen's Timber and Cotton Benevolent Association..... 14
to amend an act to provide for payment of State witnesses in..... 426
to authorize increased pay of treasurer..... 445
to amend an act relating to revenue constable in..... 490
to authorize board of revenue to purchase land..... 676
to repeal an act fixing compensation of tax assessor.. 678
to establish boundary line between Washington county and..... 1174
MONTGOMEEY BRIDGE COMPANY—
to incorporate..... 328

MONTGOMERY CENTRAL PRESBYTERIAN CHURCH—
authorized to issue bonds..... 253
MONTGOMERY, CITY OF—
to establish a new charter for..... 368
authorized to issue bonds..... 652
sale of liquors authorized within one hundred yards of the First Baptist Church in..... 957
to repeal tax known as judge's fees in city court of.. 258
MONTGOMERY, HAYNEYILLE & CAMDEN RAILROAD--
charter amended..... 505
MONTGOMERY COUNTY—
to enforce the working of public roads in..... 13
to prevent tying or staking stock on the public roads. 71
to authorize constables to appoint deputies..... 73
to regulate the pay of solicitor..... 437
to perpetuate surveys in..... 557
authorized to issue bonds for improvement of public roads in..... 829
to regulate the drawing of juries..... 917
lien in favor of livery stable keepers..... 182
to regulate duties and pay of board of revenue..... 331
MONTGOMERY & SYLACAUGA RAILROAD COMPANY—
to grant certain rights of way to..... 85
MONROE COUNTY—
to repeal an act to prohibit placing mortgages on growing crops in..... 864
MORGAN COUNTY—
for the protection of game..... 249
authorized to issue bonds to build a court house.... 306
to amend the road law of..... 444
to confirm corporation of the town of Flint..... 1128
MORGAN, WALLACE MARY O., AND LELIA—
authorized to convey lands to W. D. Nicholson, in the town of Langston, Jackson county..... 449
MOUNT GILEAD BAPTIST CHURCH, COVINGTON COUNTY—
prohibition within one mile of..... 758

MYRTLEWOOD & DEMOPOLIS RAILROAD COMPANY—
to incorporate..... 867
McCALL EDUCATIONAL INSTITUTE—
to incorporate..... 269
McCORMICK-KENDALL GROCERY COMPANY—
to ratify and confirm the charter of, and to change the name to the Eufaula Grocery Company..... 930
McWHORTER, R. S—
for relief of..... 762
NEW DECATUR, TOWN OF—
to amend act incorporating..... 319
NEWTON, TOWN OF—
to amend charter..... 1179
NEWS PUBLISHING COMPANY—
to incorporate..... 257
NORTH ALABAMA COLLEGIATE INSTITUTE—
to incorporate..... 770
NORTH ALABAMA COAL AND MINERAL COMPANY—
to incorporate..... 960
NORTHPORT, TOWN OF—
charter amended,..... 304
NOTASULGA, TOWN OF—
to incorporate..... 309
OAK GROVE, PIKE COUNTY—
constituted a separate school district..... 680
ONEONTA, BLOUNT COUNTY—
established a separate school district 694
OPELIKA, TOWN OF—
to regulate the sale of liquors in..... 450
OXANNA, OALHOUN COUNTY—
established a separate school district..... 1102
OZARK, TOWN OF, DALE COUNTY—
authorized to issue bonds to improve streets, &c.... 488
to amend act incorporating..... 547

PELL CITY, ST. CLAIR COUNTY—
constituted a separate school district..... 797
PERRY COUNTY—
to perpetuate surveys in 557
authorized to issue bonds to build bridge across Cahaba river..... 598
to amend stock law..... 1126
PIEDMONT, TOWN OF—
to amend charter..... 959
PICKENS COUNTY—
to provide for election of county commissioners..... 219
to amend stock law in..... 747
prohibition within three miles of Marvin Chapel Church..... 877
PIKE COUNTY—
to amend stock law in 138
to provide for election of county commissioners..... 219
to authorize county commissioners to build line fences between Pike and other counties in which stock are permitted to run at large 936
PINCKARD, TOWN OF, DALE COUNTY—
to incorporate..... 1204
PINE APPLE MALE AND FEMALE COLLEGE—
to incorporate..... 583
POLLOCK STEVENS INSTITUTE—
to incorporate..... 443
PORT OF MOBILE—
to amend act incorporating..... 251
PRATT MINES—
authorized to change name of..... 115
PRATTVILLE, TOWN OF—
to amend charter of..... 586
PROGRESS ELECTRIC LIGHT AND MOTOR COMPANY—
charter ratified..... 675

PROHIBITION—
omnibus law..... 876
PUBLIC ROADS—
to enforce working of in the counties of Montgomery and Hale 13
to prevent tying or staking stock on, in certain counties 71
PUBLIC SCHOOLS—
to provide for teaching in townships where less than the requisite number of children reside.. 1176
RANDOLPH COUNTY—
to provide for stock law..... 62
authorizing sale of 16th section lands in T. 18, B. 10, in 478
to provide for working public roads..... 763
to provide for stock law..... 767
RESCUE FIRE COMPANY—
to incorporate..... 317
REWARDS—
for certain absconding felons 810
ROADS—
to reopen and establish in the town of New Decatur.. 453
RUSSELL COUNTY-
for preservation of game animals and birds..... 762
to regulate terms of circuit court..... 780
RUSSELLVILLE, TOWN OF, FRANKLIN COUNTY—
to provide for collection of poll tax. 930
RUTHERFORD INSTITUTE—-
to incorporate..... 250
RUTLEDGE, TOWN OF—
to incorporate..... 530
SELMA, CITY OF—
to amend charter of..... 480
to ratify sales of real estate..... 8

SHEFFIELD, CITY OF—-
to establish a new charter for..... 144
to amend charter of..... 807
SHEFFIELD LAND, IRON AND COAL COMPANY—
to ratify and confirm certain resolutions of stockholders of..... 271
SHEFFIELD CITY COMPANY—-
to confirm incorporation of..... 332
to amend charter of..... 457
SHELBY COUNTY—
to provide for election of county commissioners..... 219
to regulate trials of misdemeanors in 826
to permanently locate county site..... 937
SLOSS IRON AND STEEL COMPANY—
to confer additional rights, powers and franchises on. 82
to confer additional powers on..... 314
SMITH, CLIFFORD A.—
declared a citizen of Hale county 601
SOUTHERN STEEL COMPANY—
change of name authorized..... 248
SOUTHERN ABSTACT COMPANY—
charter amended..... 464
SOMERVILLE, ORMOND—
for relief of..... 676
SORRELL, M. J—
for relief of..... 428
SOUTHWEST ALABAMA AGRICULTURAL AND EXPERIMENT STATION—
to establish..... 749
SPRINGVILLE, TOWN OF—
to amend charter of..... 76
SPRINGVILLE HIGH SCHOOL—
to incorporate..... 264
SPRINGVILLE EDUCATIONAL INSTITUTE COMPANY—
to grant additional powers to..... 316

STOCK LAWS—
to provide for in Autauga county..... 71
Bullock county.... 480
Calhoun county.... 52
Chambers county... 520
Clay county..... 131
Colbert county.... 965
Coosa county 429, 779, 802
Dallas county..... 71
Elmore county..... 429
Hale county... 436,664
Limestone county. 221
Lowndes county... 71
Macon county.... 1110
Marengo county... 492
Montgomery county 71
Perry county..... 1126
Pickens county.... 747
Pike county..... 138
Randolph county.. 52
Talladega county.. 939
Tallapoosa county. 429
Wilcox county.. 71-940

STATE ABSTRACT COMPANY—
to confirm charter of..... 485
STATE BOARD OF HEALTH—
to provide for pay of clerk..... 705
STAFFORD JAMES M.—
to refund license money to..... 905
STINSON JOHN H.—
for relief of..... 1096
ST CLAIR COUNTY—
to fix fees for making records in probate office. 190
prohibition within Ashville beat No. 1..... 876
SUMTER COUNTY—
payment of claims against fine and forfeiture fund. 782
SUPREME COURT RECORDS—
to provide for binding..... 866

SURVEYS—
to perpetuate in Montgomery and Perry counties..... 557
SYLACAUGA, TOWN OF—
to amend charter of..... 808
TALLADEGA COUNTY—
to amend prohibition law..... 15
as to boundary line between Clay and..... 343
to abolish county court..... 837
to amend stock law..... 939
lien in favor of livery stable keepers..... 182
to declare John W. Thweatt a citizen of..... ll09
TALLADEGA, CITY OF—
Rescue Fire Company of, incorporated..... 317
to exclude certain territory from limits of..... 519
to establish city court of..... 541
TALLAPOOSA COUNTY—
to provide for assessment and collection of taxes.... 66
to amend stock law..... 429
fees of bonded constables..... 458
working public roads in..... 763
prohibition within two miles of Mary Baptist church in beat 14, and within township 20, range 23..... 876
to constitute Dadeville a separate school district...1116
TALLASSEE FALLS MANUFACTURING COMPANY—
To build bridge across the Tallapoosa river..... 491
TARRAPIN CREEK—
to build bridge across..... 311
TENNESSEE COAL, IRON AND RAILROAD COMPANY—
to confer certain rights on..... 454
TENNESSEE RIVER BRIDGE AND FERRY COMPANY—
to incorporate..... 233
THOMAS, TOWN OF, JEFFERSON COUNTY—
created a separate school district..... 180
THWEATT, JOHN W.—
a liner, to be a citizen of Talladega county.....1109

TREDEGAR MINERAL RAILROAD COMPANY—
charter amended and confirmed..... 814
TROY BUSINESS COLLEGE—
to incorporate..... 23
TROY LODGE A. F. & A. M.—
authorized to issue bonds to complete the masonic temple..... 22
TUSCALOOSA, CITY OF—
to amend charter of..... 9
TUSCALOOSA COUNTY—
to regulate use of checks and due bills by corporations 757
to regulate pay of State witnesses..... 934
TUSCUMBIA LOAN AND TRUST COMPANY—
to incorporate..... 91
TUSCUMBIA, CITY OF—
to condemn certain lands for cemetery..... 1167
TUSKEGEE NOEMAL AND INDUSTRIAL INSTITUTE—
to incorporate..... 108
to amend act of incorporation..... 887
UNION GROVE SCHOOL DISTRICT—
to establish..... 921
UNION SPRINGS, TOWN OF, BULLOCK COUNTY—
authorized to issue bonds..... 231
to license and regulate market houses, &c..... 813
TAN KIRK LAND AND CONSTRUCTION COMPANY—
to confirm the incorporation of..... 915
WALKER COUNTY-
to amend prohibition laws..... 15
WARRENTON, TOWN OF, MARSHALL COUNTY—
prohition law repealed..... 538
WARRIOR AGRICULTURAL DISTRICT—
to enlarge area of..... 1126

SUPPLEMENTAL INDEX TO ACTS

OF 1892-93.

INDEX TO GENERAL LAWS.

APPROPRIATIONS—
to pay Mrs. E. Jones, widow of E. H. Jones, the reward offered for the arrest of James. Tate..... 995

AUDITOR—
authorized to draw a warrant for balance of salary due L. W. Lawler, deceased..... 1039

CODE, SECTIONS AMENDED—
484, assessments to unknown owners, how made, and fees therefor..... 1054
1737, when general assignments inure equally to the benefit of all creditors 1046

CORPORATIONS—
to provide Tor voting by proxy at stockholders meetings 180
to amend an act approved December 10, 1890, authorizing increase of capital stock and bonded indebtedness of private corporations organized under special charter..... 224
to authorize social and literary societies to enlarge their membership..... 1039
to subject shares of stock to levy and sale for payment of taxes..... 1058

COURTS—
chancery, to regulate term in Cleburne county..... 1044
circuit, terms of regulated in Bibb county..... 444
Blount county..... 141
Clarke county..... 806
third judicial circuit..... 779
ninth judicial circuit..... 1061
tenth judicial circuit..... 669
commissioners, and county boards of revenue authorized to aid indigent Confederate soldiers..... 1007

GOVERNOR-
to pay the reward offered for the arrest of James Tate to the widow of R. H. Jones..... 995
INDUSTRIAL SCHOOL FOR WHITE GIRLS—
to create and establish..... 1002
INTESTATES—
to amend an act to fix the rules of descent and distribution of property of..... 1055
PUBLIC SCHOOLS—
to provide for teaching in townships where less than the requisite number of children reside 1176
to prevent children from attending two different schools the same scholastic year..... 1038
QUARANTINE—
to amend an act approved February 16, 1891, to provide for maintenance of..... 1052
REAL ESTATE—
to prevent parties who have disposed of real estate under legal process, from again taking possession, without an order from court..... 1046
REGISTERED BONDS OF THE STATE-
authorizing the issue of duplicates for those lost or destroyed 1044
STATE SUPERINTENDENT OF EDUCATION—
to allow county superintendents of education four per cent. on funds legally disbursed by them..... 833
SWAMP AND OVERFLOWED AND INDEMNITY LANDS—
to dispose of..... 580
SUPREME COURT RECORDS—
to provide for binding..... 866

INDEX TO LOCAL LAWS.

BOLLING, TOWN OF—
to establish a charter for..... 1080
BLOUNT COUNTY—
to provide for county court being held at Bangor..... 1059
BRIDGEPORT, CITY OF—

to establish city court..... 970
CALHOUN CLUB OF ANNISTON—
to confirm incorporation and enlarge its powers..... 1056
CALHOUN COUNTY—
providing for stock law. 767
CALERA, CITY OF—
to establish a new charter for..... 1018
CULLMAN, CITY OF—
to provide a system of water works 997
DECATUR, CITY OF-
to amend an act establishing a city court.....259, 856
FLORENCE, CITY OF—
to amend charter..... 1060
GEORGIANA, TOWN OF—
to amend charter..... 1012
GREENE COUNTY—
to amend an act for preservation of game..... 1011
HENRY COUNTY—
to provide for prohibition within 6 miles of Center church 132
JEFFERSON COUNTY—
to provide for prohibition in beat 17..... 1011
MADISON COUNTY—
to release to Lydia Butler all interest of. the State to certain real estate..... 1054
MECHANICS HOOK AND LADDER COMPANY OF MONTGOMERY—
to amend the act of incorporation 1047

MOBILE AND DAUPHIN ISLAND RAILROAD AND HARBOR CO.—
to amend the act of incorporation..... 1010
MONROE COUNTY—
to grant right of way to Bear Creek Mill Co..... 1059
MONTGOMERY COUNTY—
to authorize the judge of probate to appoint a clerk for the county court..... 1056
MORGAN COUNTY—
to establish county roads..... 453
PERRY COUNTY—
to prevent hunting on lands without consent of owner. 1045
RIVERSIDE, TOWN OF—
to amend act of incorporation..... 1061
SHELBY COUNTY—
to regulate sales by sheriff..... 997
ST. CLAIR COUNTY—
to provide for prohibition in Eden precinct..... 980
TALLADEGA COUNTY—
to amend stock law..... 997
TALLADEGA GAS LIGHT AND WATER CO-
to amend charter of..... 1045
TROY NORMAL SCHOOL—
to amend act establishing..... 1040
TUSKEGEE, TOWN OF—
to amend act of incorporation..... 528
WASHINGTON COUNTY—
to lay off four commissioners districts..... 994
to provide for permanent location of county site..... 1114
WETUMPKA, TOWN OF—
constituted a separate school district..... 1008
WINSTON COUNTY—
to prevent hunting on land without consent of owner.... 1045
WYETH, CITY OF—
to establish a charter for..... 1064

WASHINGTON COUNTY—
to provide for election of county commissioners. 219
to repeal an act relating to the fees of county officers.. 438
relating to use of checks and due bills by corporations. 757
authorized to issue bonds to build court-house and jail. 1112
to establish boundary line between Mobile county and.. 1176
WATERLOO SCHOOL DISTRICT, LAUDERDALE COUNTY—
to establish..... 486
WEST ANNISTON HOSE COMPANY, NO. 4.—
to incorporate..... 1095
WETUMPKA FALLS ELECEIC AND MANUFACTUE. ING COMPANY—
to incorporate... 1167
WILCOX COUNTY—
to prevent tying stock on public roads..... 71
bank, incorporated..... 88
fine and forfeiture fund regulated..... 104
to provide for drawing juries..... 706
as to witnesses in habeas corpus cases..... 748
to regulate taking up of stock..... 940
WILLIAMS, THOMAS E.—
declared a citizen of Dallas county..... 253
WINSTON COUNTY—
to legalize tax assessments..... 70
for the protection of game in beat 5, in..... 685
to provide for re-registration of claims against.. 708
to establish Union Grove school district..... 921
WILSON, A.F.—
to refund money to..... 903
WOODLAWN, TOWN OF—
charter enlarged and amended..... 922
YOUNG, MES. N. E.—
for relief of..... 891

OFFICERS AND MEMBERS OF THE SENATE.

OFFICERS:

J. C. COMPTON, President.
WM. L. CLAY, Secretary.
ELMORE GARRETT, Assistant Secretary.
Miss JEM WEAKLEY, Enrolling and Engrossing Clerk.
Bryant James, Doorkeeper.
L. P. BAMBUEG, Assistant Doorkeeper.
JAMES H. LAKIN, Page.
JOHN K. NBSMITH, Page.

SENATORS.

First District—J. M. Cunningham, Centre Star.
Second District—"W. W. NeSmith, Concord.
Third District—J. M. C. Whorton, Arkadelphia.
Fourth District—O. B. Hundley, Huntsville.
Fifth District—W. H. Bogart, Stevenson.
Sixth District—John W. Inzer, Ashville.
Seventh District—W. A. Porter, Heflin.
Eigth District—-W. M. Lackey, Ashland.
Ninth District—H. W. Williamson, Sandy Creek.
Tenth District—E. H. Berry, Dadeville.
Eleventh District—W. G. B. Pearson, Tuskaloosa.
Twelfth District—E. L. Bradley, Vernon.
Thirteenth District—J. T. Milner, New Castle.
Fourteenth District—M. L. Stansel, Carrollton.
Fifteenth District—A. T. Goodwyn, Robinson Springs.
Sixteenth District—Mac A. Smith, Prattville.
Seventeenth District—R. E. Steiner, Greenville.
Eighteenth District—W. T. Downey, Scott's.
Nineteenth District—L. W. McRae, Colvert.
Twentieth District—J. H. Minge, Faunsdale.
Twenty-first District—W. B. Kemp, Kempville.
Twenty-second District—Sol. D. Bloch, Camden.
Twenty-third District—R. H. Walker, Columbia.
Twenty-fourth District—Judson Davie, Kowikee.
Twenty-fifth District—W. B. Darby. Henderson.
Twenty-sixth District—J. H. Reynolds, Mt. Hilliard.
Twenty-seventh District—W. J. Samford, Opelika.
Twenty-eighth District—A. A. Wiley, Montgomery.
Twenty-ninth District—Thomas Tumlin, Kirk's Grove.
Thirtieth District-—J. C. Compton, Selma.
Thirty-first District—E. B. Almon, Tuscumbia.
Thirty-second District—Norfleet Harris, Greensboro.
Thirty-third District—H. Austill, Mobile.

OFFICERS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES.

OFFICERS:

F. L. PETTUS, Speaker.
MASSEY WILSON, Clerk.
JOHN F. PROCTOR, Assistant Clerk.
W. P. HOWELL, Enrolling Clerk.
VAL TAYLOR, Engrossing Clerk.
ROBBET HASSAN, Doorkeeper.
THOS. J. FAIN, Assistant Doorkeeper.
W. H. MANGHAM, Gallery Doorkeeper.
W. K. ARMSTRONG, Messenger.
MICHEL SCREWS, Page.
PETTUS COCKE, Page.
MOSES G. Cos, Page.

MEMBERS.

Autauga—M. White, Mulberry.
Baldwin—H. P. Hanson, Gasque.
Barbour—A. A. McDonald, Louisville; J. W. T. Gibson, Afton.
Bibb—Nelson Fuller, Centreville.
Blount—J. F. Bellinger, Cleveland.
Bullock—L. J. Biggers, Perote; N. N. Cox, Midway.
Butler—John A. Smith, Butler Springs.
Calhoun—G. C. Williams, White Plains; L. J. Morris, Morrisville.
Chambers—W. A. Dent, Waverly; W. P. Findley, Findley.
Cherokee—P. T. Ewing, Centre,

Chilton—O. M. Maston, Clanton.
Choctaw—John Williamson, Fail.
Clarke—E. B. Calhoun, Nealton; Green E. Jones, Coffeeville.
Clay—Robert D. Evans, Lineville.
Cleburne—A. P. Taylor, Edwardsville.
Coffee—W. C. Mixon, Tabernacle.
Colbert—W. R. Brown, Sheffield.
Conecuh—James F. Jones, Evergreen.
Coosa—R. S. Nolan, Nixburg.
Covington—W. G. Williams, Rose Hill.
Crenshaw—C. L. Eiland; Rutledge.
Cullman—J. T. Burke, Pinnacle.
Dale—John C. Killebrew, Newton.

Dallas—F. L. Pettus, Selma; N. H. R. Dawson, Selma; W. R. Hardy, Pleasant Hill.
DeKalb—D. C. Case, Lebanon.
Elmore—H. C. Ellis, Good Hope.
Escambia—E. M. Lovelace, Brewton.
Etowah—P. L. McCall, Gadsden.
Fayette—J. S. Hollis, Coven.
Franklin—Joseph Stocton, Ford ton.
Geneva—W. J. Mills, Geneva.
Greene—William Smaw, Boligee.
Hale—Thos. E. Knight, Greensboro; N. H. Gewin, Akron.
Henry—John B. Ward, Abbeville; John F. Dorsey, Dothan.
Jackson—S. W. Frazier, Scottsboro; J. H. Roach, Fockler.
Jefferson—John McQueen, Birmingham; Fred S. Ferguson, Birmingham; Frank P. O'Brien, Birmingham; John T. Shugart, Birmingham; T. Y. Huffman, Bessemer; George W. Ward, Pratt Mines.
Lamar—D. G. W. Hollis, Vernon.

Lauderdale—H. R. Kennedy, Green Hill; John C. Ott, Florence.
Lawrence—James E. NeSmith, Avoca.
Lee—W. D. Kyle, Opelika; E. C. Jackson, Auburn.
Limestone—G. A. Gilbert, Poplar Creek.
Lowndes—Willis Brewer, Hayneville; J. D. Poole, Manningham
Macon—P. S. Holt, Tuskegee.
Madison—Francisco Rice, New Market; A. S. Fletcher, Huntsville.
Marengo—D. J. Meador, Myrtle Wood; James A. Steele, McKinley.
Marion—H. T. Clark.
Marshall—W. M. Coleman, Albertville.
Mobile—Neil McCarron, Mobile; C. L. Lavretta, Mobile; J. A. W. Goldsby, Mobile.
Monroe—M. R. Rogers, Activity.
Montgomery—A. D. Sayre, Montgomery; T. H. Clark, Montgomery; F. B. Lloyd, Montgomery; Walton W. Hill, Montgomery.
Morgan—S. P. Rather, Decatur; W. T. Bartee, Lacy's Springs.
Perry—Geo. P. White, Uniontown; S. M. Bolling, Pinetucky.
Pickens—George Youngblood, Neal's Mill.
Pike—W. F. Lary, Troy; A. C. Townsend.
Randolph—H. H. Whitten, Roanoke.
Russell—J. M. DeLacy, Hatchechubbee; F. L. Nisbet, Oswitchee.
Shelby—John P. West, Calera.
St. Clair— W. S. Forman, Springville.

Sumter—W. H. Seymour, Livingston; J. R. Ramsey, Gainesville.
Talladega—Wm. Baker, Kymulga; Geo. A. Joiner, Talladega;
Tallapoosa—E. B. Langley, Camp Hill; J. M. Amason, Alexander City.
Tuskaloosa—F. M. Barbour, Tuskaloosa; J. P. Gaines, Northport.
Walker—T. L. Sowell, Jasper.
Washington—B. T. Turner, Healing Springs.
Wilcox—W. F. Fountain, Arlington; J. P. Spear, Forman.
Winston—D. B. Ford, Mellville.

INTEREST LAWS IN THE UNITED STATES

STATES
AND
TERRITORIES,
Legal rate
per cent.
Rate allowed
by contract.
Per cent.

PENALTIES FOR USURY.
Alabama .....
8
8

Forfeiture of entire interest.
Arizona.....
7
Any rate.

None.
Arkansas.....
8
10

Forfeiture of principal and interest.
California.....
7
Any rate.

None.
Colorado.....
8
Any rate.

None.
Connecticut.....
6
+

None.
Delaware .....
6
6

Forfeiture of principal.
District of Columbia

6
10

Forfeiture of entire interest.

Florida.....

8
10+

None.
Georgia .....
7
8

Forfeiture of excess.
Idaho.....
10
18

Forfeiture of 3 time excess of int-st
Illinois.....
5
7

Forfeiture if entire interest.
Indiana.....
6
8

Forfeiture of excess of interest.
Iowa.....
6
10

Forfeiture 10% per annum on amt.
Kansas .....
6
10

Forfeiture of excess of interest.
Kentucky.....
6
6

Forfeiture of excess over 10%.
Louisiana.....
5
8

Forfeiture of entire interest.
Maine.....
6
Any rate.

None.
Maryland.....
6
6

Forfeiture of excess of interest.
Massachuseets.....
6
Any rate.

None.
Michigan.....
6
8

Forfeiture of excess of interest.
Minnesota.....
7
10

Forfeiture of excess over 10%.
Mississippi .....
6
10

Forfeiture of excess of interest.
Missouri.....
6
8

Forfeiture of entire of interest.
Montana.....
10
Any rate.

None.
Nebraska.....
7
10

Forfeiture of interest and cost.
Nevada.....
7
Any rate.

None.
New Hampshire.....
6
6

Forfeiture of thrice the excess.
New Jersey.....
6
6

Forfeiture of entire
interest.
New Mexico.....
6
12

None.
*New York.....
6
6

Forfeiture of principal and interest.
North Carolina.....
6
8

Forfeiture of entire interest.
North Dakota.....
7
12

None.
Ohio.....
6
8

Forfeiture of excess above 6%
Oklahoma.....
7
12

None.
Oregon .....
8
10

Forfeiture of principal and interest.
Pennsylvania.....
6
6

Forfeiture of excess of interest.
Rhode Island.....
6
Any rate.

None.
South Carolina.....
7
8

None.
Tennessee.....
6
6

Forfeit excess of int'st and $100 fine.
Texas .....
8
10

Forfeiture of entire interest.
Utah.....
8
Any rate.

None.
Vermont.....

6
6

Forfeiture of excess of interest.
Virginia.....
6
6

Forfeiture of excess over 6%.
Washington Ter.....
10
Any rate.

None.
West Virginia.....
7
10

Forfeiture of excess of interest.
Wisconsin.....
7
10

Forfeiture of entire of interest.
Wyoming .....
12
Any rate.

None.

•An amendment of the law of New York has legalized any rate of interest upon call loans of $5,000 or upward, on collateral security. +Not to exceed 10 per cent. +No usury, but over 6% cannot be collected by law.

LEGAL WEIGHTS

_____

[Act approved February 18, 1891]

	Pounds per Bushel.
Apples, dried	24
Barley	47
Beans	60
Corn, in the ear	70
" " shuck	75
" shelled	66
Meal	46
" unbolted	48
Oats	32
Peaches, dried, peeled	38
" " unpeeled	33
Peas	60
Potatoes, Irish	60
" sweet	55
Rye	56
Turnips	55
Wheat	60

ERRATA.

Page 371. On 22d line from top add the word "may" after "they."
Page 374. On 14th line of section 12, read "hereinafter" "for "herein."
Page 384. On 3rd line from top read "deed" for "case."
Page 390. Section 44, on line 14 from top, put apostrophes " after "Montgomery" instead of "follows."
Page 391. Section 49 add the words "charges of" after the words "preferring of."
Page 393. 4th line from top read "are" for "or."
Page 403. On 7th line, section 59, read "each" for "such."
Page 405. Ninth line from top after word "imprison" add "or to fine and imprisonment."
Page 412. Section 80, on 6th line, read "perpetrator" for "proprietor."
Page 420. On 22d line from top, read "registration lists of their respective wards."

Page 422. On 13th line from top read "said" for "side."
Page 423. Tenth line from top read "as fixed by statutes."
Page 426. Fourth line from top take out the words "all branches."